

106TH CONGRESS
1ST SESSION

S. 538

To provide for violent and repeat juvenile offender accountability, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1999

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for violent and repeat juvenile offender accountability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protect Children From Violence Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and declaration of purposes.
- Sec. 3. Definitions.

TITLE I—VIOLENT, ARMED, AND DANGEROUS JUVENILE OFFENDER ACCOUNTABILITY

Subtitle A—Protecting Children From Drugs, Guns, and Violence

- Sec. 101. Increased penalties for distributing drugs to minors.
- Sec. 102. Increased penalties for drug trafficking in or near a school or other protected location.
- Sec. 103. Increased penalties for using minors to distribute drugs.
- Sec. 104. Drug offenses committed in the presence of children.
- Sec. 105. Use of minors in crimes of violence.
- Sec. 106. Solicitation or recruitment of minors in criminal gang activity.
- Sec. 107. Crimes involving the use of minors as RICO predicates.

Subtitle B—Violent and Repeat Juvenile Offender Accountability

- Sec. 121. Treatment of juvenile offenders.
- Sec. 122. Definitions.
- Sec. 123. Notification after arrest.
- Sec. 124. Release and detention prior to disposition.
- Sec. 125. Speedy trial.
- Sec. 126. Disposition; availability of increased detention, fines, and supervised release for juvenile offenders.
- Sec. 127. Use of juvenile records.
- Sec. 128. Implementation of a sentence for juvenile offenders.
- Sec. 129. Juvenile adjudications considered in sentencing.
- Sec. 130. Violent, armed, and dangerous youth apprehension directive.
- Sec. 131. Construction of Federal juvenile corrections facilities.

Subtitle C—Combating Gang Violence

- Sec. 141. Increased offense level for participation in crime as a gang member.
- Sec. 142. Amendment of title 18 with respect to criminal street gangs.
- Sec. 143. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 144. Serious juvenile drug offenses as armed career criminal predicates.
- Sec. 145. Increased penalties for using physical force to tamper with witnesses, victims, or informants.

TITLE II—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS TO STATES

- Sec. 201. Block grant program.

TITLE III—REFORM OF GRANT PROGRAMS

- Sec. 301. Findings and purposes.
- Sec. 302. Definitions.
- Sec. 303. Office of juvenile justice and delinquency prevention.
- Sec. 304. Annual report.
- Sec. 305. Block grants for State and local programs.
- Sec. 306. State plans.
- Sec. 307. Repeals.
- Sec. 308. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) at the beginning of the twentieth century,
4 States adopted separate justice systems for juvenile
5 offenders;

6 (2) violent crimes committed by juveniles, such
7 as homicide, rape, and robbery, were virtually an un-
8 known phenomenon at that time, but the rate at
9 which juveniles commit those crimes has escalated
10 astronomically recently;

11 (3) in 1994—

12 (A) juveniles accounted for nearly 20 per-
13 cent of all violent crime committed in the
14 United States;

15 (B) 65 percent of juvenile murder victims
16 were killed with a firearm; and

17 (C) 31 percent of juvenile arrests for vio-
18 lent crimes involved juveniles less than 15 years
19 of age;

20 (4) the number of juvenile arrests for violent
21 crimes is expected to more than double by the year
22 2010;

23 (5) the juveniles who commit the most serious
24 offenses are becoming increasingly violent;

25 (6) the homicide rate for individuals between 14
26 and 17 years of age is 4 times the rate for adults;

1 (7) according to the results of a nationwide sur-
2 vey of law enforcement agencies, there are 23,388
3 gangs and 664,906 gang members in the United
4 States;

5 (8) Federal programs for juveniles have not
6 provided the direction, coordination, resources, and
7 leadership required to meet the current crisis in ju-
8 venile delinquency;

9 (9) the high incidence of delinquency in the
10 United States today results in enormous annual eco-
11 nomic losses and substantial loss of human life, re-
12 duction in personal security, and wasted human re-
13 sources;

14 (10) juvenile delinquency constitutes a growing
15 threat to the national welfare that requires an imme-
16 diate response by the Federal Government;

17 (11) the rehabilitative model of sentencing for
18 juveniles, which Congress rejected for adult offend-
19 ers when it enacted the Sentencing Reform Act of
20 1984, is inadequate and inappropriate for dealing
21 with violent and repeat juvenile offenders;

22 (12) an effective strategy for reducing violent
23 juvenile crime requires greater collection of inves-
24 tigative data and other information, such as finger-
25 prints and photographs, as well as greater sharing

1 of that information among Federal, State, and local
2 agencies, including the courts, in the law enforce-
3 ment and educational systems;

4 (13) data regarding violent juvenile offenders
5 must be made available to the adult criminal justice
6 system if recidivism by criminals is to be addressed
7 adequately;

8 (14) holding juvenile proceedings in secret de-
9 nies victims of crime the opportunity to attend and
10 be heard at the proceedings, helps juvenile offenders
11 to avoid accountability for their actions, and shields
12 juvenile proceedings from public scrutiny and ac-
13 countability;

14 (15) the injuries and losses suffered by the vic-
15 tims of violent crime are no less painful or devastat-
16 ing because the offender is a juvenile; and

17 (16) the investigation, prosecution, adjudica-
18 tion, and punishment of criminal offenses committed
19 by juveniles is, and should remain, primarily the re-
20 sponsibility of the States.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to reform juvenile law to ensure public safe-
23 ty and to hold juvenile wrongdoers accountable for
24 their actions, while providing the wrongdoer a genu-
25 ine opportunity for self-reform;

1 (2) to revise the procedures in Federal court
2 applicable to the prosecution of juvenile offenders;
3 and

4 (3) to target the problem of violent crime and
5 controlled substance offenses committed by youth
6 gangs.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) ATTORNEY GENERAL.—The term “Attorney
10 General” means the Attorney General of the United
11 States.

12 (2) CRIME OF VIOLENCE.—The term “crime of
13 violence” has the meaning given that term in section
14 16 of title 18, United States Code.

15 **TITLE I—VIOLENT, ARMED, AND**
16 **DANGEROUS JUVENILE OF-**
17 **FENDER ACCOUNTABILITY**

18 **Subtitle A—Protecting Children**
19 **From Drugs, Guns, and Violence**

20 **SEC. 101. INCREASED PENALTIES FOR DISTRIBUTING**
21 **DRUGS TO MINORS.**

22 Section 418 of the Controlled Substances Act (21
23 U.S.C. 859) is amended—

24 (1) in subsection (a), by striking “one year”
25 and inserting “3 years”; and

1 (2) in subsection (b), by striking “one year”
2 and inserting “5 years”.

3 **SEC. 102. INCREASED PENALTIES FOR DRUG TRAFFICKING**
4 **IN OR NEAR A SCHOOL OR OTHER PRO-**
5 **TECTED LOCATION.**

6 Section 419 of the Controlled Substances Act (21
7 U.S.C. 860) is amended—

8 (1) in subsection (a), by striking “one year”
9 and inserting “3 years”; and

10 (2) in subsection (b), by striking “three years”
11 each place that term appears and inserting “5
12 years”.

13 **SEC. 103. INCREASED PENALTIES FOR USING MINORS TO**
14 **DISTRIBUTE DRUGS.**

15 Section 420 of the Controlled Substances Act (21
16 U.S.C. 861) is amended—

17 (1) in subsection (b), by striking “one year”
18 and inserting “3 years”;

19 (2) in subsection (c), by striking “one year”
20 and inserting “5 years”; and

21 (3) in subsection (d), by striking “not more
22 than five years or a fine of not more than \$50,000
23 or both” and inserting “not more than 10 years, or
24 a fine of not more than \$100,000, or both”.

1 **SEC. 104. DRUG OFFENSES COMMITTED IN THE PRESENCE**
2 **OF CHILDREN.**

3 (a) IN GENERAL.—For the purposes of this Act, an
4 offense is committed in the presence of a child if—

5 (1) it takes place in the line of sight of an indi-
6 vidual who has not attained the age of 18 years; or

7 (2) an individual who has not attained the age
8 of 18 years habitually resides in the place where the
9 violation occurs.

10 (b) GUIDELINES.—Not later than 120 days after the
11 date of enactment of this Act, the United States Sentenc-
12 ing Commission shall amend the Federal sentencing guide-
13 lines to provide, with respect to an offense under part D
14 of the Controlled Substances Act that is committed in the
15 presence of a child—

16 (1) a sentencing enhancement of not less than
17 2 offense levels above the base offense level for the
18 underlying offense or 1 additional year, whichever is
19 greater; and

20 (2) in the case of a second or subsequent such
21 offense, a sentencing enhancement of not less than
22 4 offense levels above the base offense level for the
23 underlying offense, or 2 additional years, whichever
24 is greater.

1 **SEC. 105. USE OF MINORS IN CRIMES OF VIOLENCE.**

2 (a) IN GENERAL.—Chapter 1 of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 **“§ 25. Use of minors in crimes of violence**

6 “(a) PENALTIES.—Except as otherwise provided by
7 law, whoever, being not less than 18 years of age, know-
8 ingly and intentionally uses a minor to commit a crime
9 of violence, or to assist in avoiding detection or apprehen-
10 sion for a crime of violence, shall—

11 “(1) be subject to 2 times the maximum impris-
12 onment and 2 times the maximum fine for the crime
13 of violence; and

14 “(2) for second or subsequent convictions under
15 this subsection, be subject to 3 times the maximum
16 imprisonment and 3 times the maximum fine other-
17 wise provided for the crime of violence in which the
18 minor is used.

19 “(b) DEFINITIONS.—In this section:

20 “(1) CRIME OF VIOLENCE.—The term ‘crime of
21 violence’ has the same meaning as in section 16.

22 “(2) MINOR.—The term ‘minor’ means a per-
23 son who is less than 18 years of age.

24 “(3) USES.—The term ‘uses’ means employs,
25 hires, persuades, induces, entices, or coerces.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 1 of title 18, United States Code, is amended by
 3 adding at the end the following:

“25. Use of minors in crimes of violence.”.

4 **SEC. 106. SOLICITATION OR RECRUITMENT OF MINORS IN**
 5 **CRIMINAL GANG ACTIVITY.**

6 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
 7 United States Code, is amended by adding at the end the
 8 following:

9 **“§ 522. Recruitment of minors to participate in crimi-**
 10 **nal street gang activity**

11 “(a) PROHIBITED ACT.—It shall be unlawful for any
 12 person to—

13 “(1) use any facility in, or travel in, interstate
 14 or foreign commerce, or cause another to do so, to
 15 recruit, solicit, request, induce, counsel, command,
 16 or cause a minor to be a member of a criminal street
 17 gang, or conspire to do so; or

18 “(2) recruit, solicit, request, induce, counsel,
 19 command, or cause a minor to engage in a predicate
 20 gang crime for which the person may be prosecuted
 21 in a court of the United States, or conspire to do so.

22 “(b) PENALTIES.—A person who violates subsection
 23 (a) shall—

24 “(1) be imprisoned not less than 4 years and
 25 not more than 10 years, or be imprisoned not less

1 than 4 years and not more than 10 years and fined
2 under this title; and

3 “(2) be liable for any costs incurred by the
4 Federal Government or by any State or local govern-
5 ment for housing, maintaining, and treating the
6 minor until the minor reaches the age of 18.

7 “(c) DEFINITIONS.—In this section:

8 “(1) CRIMINAL STREET GANG; PREDICATE
9 GANG CRIME.—The terms ‘criminal street gang’ and
10 ‘predicate gang crime’ have the same meanings as in
11 section 521.

12 “(2) MINOR.—The term ‘minor’ means a per-
13 son who is less than 18 years of age.”.

14 (b) SENTENCING GUIDELINES.—

15 (1) IN GENERAL.—Pursuant to its authority
16 under section 994(p) of title 28, United States Code,
17 the United States Sentencing Commission shall
18 amend chapter 2 of the Federal Sentencing Guide-
19 lines to provide an appropriate enhancement for any
20 offense involving the recruitment of a minor to par-
21 ticipate in a criminal street gang.

22 (2) DEFINITIONS.—In this subsection:

23 (A) CRIMINAL STREET GANG.—The term
24 “criminal street gang” has the same meaning

1 as in section 521 of title 18, United States
2 Code.

3 (B) MINOR.—The term “minor” means a
4 person who is less than 18 years of age.

5 (c) CONFORMING AMENDMENT.—The analysis for
6 chapter 26 of title 18, United States Code, is amended
7 by adding at the end the following:

“522. Recruitment of minors to participate in criminal street gang activity.”.

8 **SEC. 107. CRIMES INVOLVING THE USE OF MINORS AS RICO**
9 **PREDICATES.**

10 Section 1961(1) of title 18, United States Code, is
11 amended—

12 (1) by striking “or” before “(F)”;

13 (2) by inserting before the semicolon at the end
14 of the paragraph the following: “, or (G) any offense
15 that is subject to a sentencing enhancement under
16 section 25”.

17 **Subtitle B—Violent and Repeat**
18 **Juvenile Offender Accountability**

19 **SEC. 121. TREATMENT OF JUVENILE OFFENDERS.**

20 Section 5032 of title 18, United States Code, is
21 amended to read as follows:

22 **“§ 5032. Delinquency proceedings in district courts;**
23 **juveniles tried as adults; transfer for**
24 **other criminal prosecution**

25 **“(a) IN GENERAL.—**

1 “(1) SURRENDER TO STATE AUTHORITIES.—A
2 juvenile alleged to have committed an offense
3 against the United States or an act of juvenile delin-
4 quency may be surrendered to State authorities, but
5 if not so surrendered, shall be proceeded against as
6 a juvenile under this subsection or tried as an adult
7 in the circumstances described in subsection (b).

8 “(2) JUVENILE PROCEEDINGS.—If a juvenile
9 alleged to have committed an act of juvenile delin-
10 quency is proceeded against as a juvenile under this
11 section, any proceedings against the juvenile shall be
12 in an appropriate district court of the United States.
13 For such purposes, the court may be convened at
14 any time and place within the district, and shall be
15 open to the public, except that the court may ex-
16 clude all or some members of the public, other than
17 a victim unless the victim is a witness in the deter-
18 mination of guilt or innocence, if required by the in-
19 terests of justice or if other good cause is shown.
20 The United States Attorney having jurisdiction over
21 the offense shall proceed by information or as au-
22 thorized by section 3401(g) of this title, and no
23 criminal prosecution shall be instituted except as
24 provided in this chapter.

1 “(b) JUVENILES TRIED AS ADULTS.—A juvenile who
 2 is not less than 14 years of age and who is alleged to have
 3 committed an act of juvenile delinquency that, if commit-
 4 ted by an adult, would be a Federal felony offense—

5 “(1) shall be tried in the appropriate district
 6 court of the United States as an adult if the offense
 7 charged is—

8 “(A) murder or attempted murder;

9 “(B) robbery while armed with a dan-
 10 gerous or deadly weapon;

11 “(C) battery or assault while armed with a
 12 dangerous or deadly weapon;

13 “(D) forcible rape;

14 “(E) any serious drug offense that, if com-
 15 mitted by an adult, would be punishable under
 16 section 401(b)(1)(A) or 408 of the Controlled
 17 Substances Act (21 U.S.C. 841(b)(1)(A), 848)
 18 or section 1010(b)(1)(A) of the Controlled Sub-
 19 stances Import and Export Act (21 U.S.C.
 20 960(b)(1)(A)); and

21 “(F) the third or subsequent occasion, un-
 22 related to any previous occasion, on which the
 23 juveniles engage in conduct for which adults
 24 could be imprisoned for a term exceeding 1
 25 year, unless, on a case-by-case basis the United

1 States district court of appropriate
2 jurisdiction—

3 “(i) determines, on a motion from the
4 juvenile defendant, that trying such a juve-
5 nile as an adult is not in the interest of
6 justice (which determination shall not be
7 appealable);

8 “(ii) records its reasons for making
9 the determination in writing and makes
10 that record available for inspection by the
11 public; and

12 “(iii) makes a record in writing of the
13 disposition of the juvenile in the juvenile
14 justice system available to the public, not-
15 withstanding any other law requiring the
16 information to be withheld or limited in
17 any way from access by the public.”;

18 “(2) may be tried as an adult, if the United
19 States Attorney having jurisdiction over the offense
20 determines that there is a substantial Federal inter-
21 est in the case, or the offense otherwise warrants the
22 exercise of Federal jurisdiction if the juvenile is al-
23 leged to have committed (after the juvenile has at-
24 tained the age of 13) an act that, if committed by

1 an adult, would be a felony crime of violence (as
2 that term is defined in section 16); and

3 “(3) in all other cases, shall be proceeded
4 against as a juvenile.

5 “(c) FURTHER PROCEEDINGS.—Whenever a juvenile
6 transferred to district court under this section is not con-
7 victed of the crime upon which the transfer was based or
8 another crime which would have warranted transfer had
9 the juvenile been initially charged with that crime, further
10 proceedings concerning the juvenile shall be conducted
11 pursuant to this chapter.”.

12 **SEC. 122. DEFINITIONS.**

13 Section 5031 of title 18, United States Code, is
14 amended to read as follows:

15 **“§ 5031. Definitions**

16 “In this chapter:

17 “(1) ADULT INMATE.—The term ‘adult inmate’
18 means an individual who has attained the age of 18
19 years and who is in custody for, awaiting trial on,
20 or convicted of criminal charges or an act of juvenile
21 delinquency committed while a juvenile.

22 “(2) JUVENILE.—The term ‘juvenile’ means—

23 “(A) a person who has not attained the
24 age of 18 years; or

1 “(B) for the purpose of proceedings and
 2 disposition under this chapter for an alleged act
 3 of juvenile delinquency, a person who has not
 4 attained the age of 21 years.

5 “(3) JUVENILE DELINQUENCY.—The term ‘ju-
 6 venile delinquency’ means the violation of a law of
 7 the United States committed by a person before the
 8 eighteenth birthday of that person, if the violation—

9 “(A) would have been a crime if committed
 10 by an adult; or

11 “(B) is a violation of section 922(x).

12 “(4) PROHIBITED PHYSICAL CONTACT.—

13 “(A) IN GENERAL.—The term ‘prohibited
 14 physical contact’ means—

15 “(i) any physical contact between a
 16 juvenile and an adult inmate; and

17 “(ii) proximity that provides an op-
 18 portunity for physical contact between a
 19 juvenile and an adult inmate.

20 “(B) EXCLUSION.—The term does not in-
 21 clude supervised proximity between a juvenile
 22 and an adult inmate that is brief and incidental
 23 or accidental.

24 “(5) SUSTAINED ORAL COMMUNICATION.—

1 “(A) IN GENERAL.—The term ‘sustained
2 oral communication’ means the imparting or
3 interchange of speech by or between a juvenile
4 and an adult inmate.

5 “(B) EXCEPTION.—The term does not
6 include—

7 “(i) communication that is accidental
8 or incidental; or

9 “(ii) sounds or noises that cannot rea-
10 sonably be considered to be speech.

11 “(6) STATE.—The term ‘State’ includes a State
12 of the United States, the District of Columbia, any
13 commonwealth, territory, or possession of the United
14 States and, with regard to an act of juvenile delin-
15 quency that would have been a misdemeanor if com-
16 mitted by an adult, an Indian tribe (as defined in
17 section 4(e) of the Indian Self-Determination and
18 Education Assistance Act (25 U.S.C. 4506(e))).

19 “(7) VIOLENT JUVENILE.—The term ‘violent
20 juvenile’ means any juvenile who is alleged to have
21 committed, has been adjudicated delinquent for, or
22 has been convicted of an offense that, if committed
23 by an adult, would be a crime of violence (as defined
24 in section 16).”.

1 **SEC. 123. NOTIFICATION AFTER ARREST.**

2 Section 5033 of title 18, United States Code, is
3 amended—

4 (1) in the first sentence, by striking “imme-
5 diately notify the Attorney General and” and insert-
6 ing the following: “immediately, or as soon as prac-
7 ticable thereafter, notify the United States Attorney
8 of the appropriate jurisdiction and shall promptly
9 take reasonable steps to notify”; and

10 (2) in the second sentence of the second undes-
11 ignated paragraph, by inserting before the period at
12 the end the following: “, and the juvenile shall not
13 be subject to detention under conditions that permit
14 prohibited physical contact with adult inmates or in
15 which the juvenile and an adult inmate can engage
16 in sustained oral communication”.

17 **SEC. 124. RELEASE AND DETENTION PRIOR TO DISPOS-**
18 **ITION.**

19 Section 5034 of title 18, United States Code, is
20 amended—

21 (1) by striking “The magistrate shall insure”
22 and inserting the following:

23 “(a) IN GENERAL.—

24 “(1) REPRESENTATION BY COUNSEL.—The
25 magistrate shall ensure”;

1 (2) by striking “The magistrate may appoint”
2 and inserting the following:

3 “(2) GUARDIAN AD LITEM.—The magistrate
4 may appoint”;

5 (3) by striking “If the juvenile” and inserting
6 the following:

7 “(b) RELEASE PRIOR TO DISPOSITION.—Except as
8 provided in subsection (c), if the juvenile”; and

9 (4) by adding at the end the following:

10 “(c) RELEASE OF CERTAIN JUVENILES.—A juvenile
11 who is to be tried as an adult pursuant to section 5032
12 shall be released pending trial only in accordance with the
13 applicable provisions of chapter 207. The release shall be
14 conducted in the same manner and shall be subject to the
15 same terms, conditions, and sanctions for violation of a
16 release condition as provided for an adult under chapter
17 207.

18 “(d) PENALTY FOR AN OFFENSE COMMITTED WHILE
19 ON RELEASE.—

20 “(1) IN GENERAL.—A juvenile alleged to have
21 committed, while on release under this section, an
22 offense that, if committed by an adult, would be a
23 Federal criminal offense, shall be subject to prosecu-
24 tion under section 5032.

1 “(2) APPLICABILITY OF CERTAIN PENALTIES.—
 2 Section 3147 shall apply to a juvenile who is to be
 3 tried as an adult pursuant to section 5032 for an of-
 4 fense committed while on release under this sec-
 5 tion.”.

6 **SEC. 125. SPEEDY TRIAL.**

7 Section 5036 of title 18, United States Code, is
 8 amended—

9 (1) by inserting “who is to be proceeded against
 10 as a juvenile pursuant to section 5032 and” after
 11 “If an alleged delinquent”;

12 (2) by striking “thirty” and inserting “70”; and

13 (3) by striking “the court,” and all that follows
 14 through the end of the section and inserting the fol-
 15 lowing: “the court. The periods of exclusion under
 16 section 3161(h) shall apply to this section. In deter-
 17 mining whether an information should be dismissed
 18 with or without prejudice, the court shall consider
 19 the seriousness of the alleged act of juvenile delin-
 20 quency, the facts and circumstances of the case that
 21 led to the dismissal, and the impact of a reprobsecu-
 22 tion on the administration of justice.”.

1 **SEC. 126. DISPOSITION; AVAILABILITY OF INCREASED DE-**
 2 **TENTION, FINES, AND SUPERVISED RELEASE**
 3 **FOR JUVENILE OFFENDERS.**

4 (a) DISPOSITION.—Section 5037 of title 18, United
 5 States Code, is amended to read as follows:

6 **“§ 5037. Disposition**

7 “(a) IN GENERAL.—

8 “(1) HEARING.—In a proceeding under section
 9 5032(a), if the court finds a juvenile to be a juvenile
 10 delinquent, the court shall hold a hearing concerning
 11 the appropriate disposition of the juvenile not later
 12 than 40 court days after the finding of juvenile de-
 13 linquency, unless the court has ordered further study
 14 pursuant to subsection (e).

15 “(2) PREDISPOSITION REPORT.—A predisposi-
 16 tion report shall be prepared by the probation officer
 17 who shall promptly provide a copy to the juvenile,
 18 counsel for the juvenile, and the attorney for the
 19 Government.

20 “(3) VICTIM IMPACT INFORMATION.—Victim
 21 impact information and a copy of the prior convic-
 22 tion record of the juvenile shall be included in each
 23 predisposition report under paragraph (2), and vic-
 24 tims, or in appropriate cases their official represent-
 25 atives, shall be provided the opportunity to make a

1 statement to the court in person or present any in-
 2 formation in relation to the disposition.

3 “(4) SANCTIONS.—After a dispositional hearing
 4 under this subsection, and after considering possible
 5 sanctions established pursuant to subsection (f), the
 6 court shall impose an appropriate sanction, including
 7 the ordering of restitution pursuant to section 3556.

8 “(5) RELEASE OR DETENTION PENDING AP-
 9 PEAL.—With respect to release or detention pending
 10 an appeal or a petition for a writ of certiorari after
 11 disposition, the court shall proceed pursuant to
 12 chapter 207.

13 “(b) PROBATION.—

14 “(1) IN GENERAL.—The term for which proba-
 15 tion may be ordered for a juvenile found to be a ju-
 16 venile delinquent may not extend beyond the maxi-
 17 mum term that would be authorized by section
 18 3561(c) if the juvenile had been tried and convicted
 19 as an adult.

20 “(2) APPLICABLE LAW.—Sections 3563, 3564,
 21 and 3565 apply to an order placing a juvenile on
 22 probation.

23 “(c) OFFICIAL DETENTION.—

24 “(1) IN GENERAL.—The term for which official
 25 detention may be ordered for a juvenile found to be

1 a juvenile delinquent may not extend beyond the
 2 lesser of—

3 “(A) the maximum term of imprisonment
 4 that would be authorized if the juvenile had
 5 been tried and convicted as an adult;

6 “(B) 10 years; or

7 “(C) the 26th birthday of the juvenile.

8 “(2) APPLICABLE LAW.—Section 3624 applies
 9 to an order placing a juvenile in detention.

10 “(d) SUPERVISED RELEASE.—

11 “(1) IN GENERAL.—The term for which super-
 12 vised release may be ordered for a juvenile found to
 13 be a juvenile delinquent may not exceed 5 years.

14 “(2) APPLICABLE LAW.—Subsections (c)
 15 through (i) of section 3583 apply to an order placing
 16 a juvenile on supervised release.

17 “(e) OBSERVATION AND STUDY.—If the court desires
 18 more detailed information concerning a juvenile alleged to
 19 have committed an act of juvenile delinquency or a juvenile
 20 adjudicated delinquent, it may commit the juvenile, after
 21 notice and hearing at which the juvenile is represented by
 22 counsel, to the custody of the Attorney General for obser-
 23 vation and study by an appropriate agency or entity. Such
 24 observation and study shall be conducted on an outpatient
 25 basis, unless the court determines that inpatient observa-

1 tion and study are necessary to obtain the desired infor-
 2 mation. In the case of an alleged juvenile delinquent, inpa-
 3 tient study may be ordered only with the consent of the
 4 juvenile and the juvenile's attorney. The agency or entity
 5 shall make a study of all matters relevant to the alleged
 6 or adjudicated delinquent behavior and the court's inquiry.
 7 The Attorney General shall submit to the court and the
 8 attorneys for the juvenile and the Government the results
 9 of the study within 30 days after the commitment of the
 10 juvenile, unless the court grants additional time. Time
 11 spent in custody under this subsection shall be excluded
 12 for purposes of section 5036.

13 “(f) SENTENCING COMMISSION.—

14 “(1) IN GENERAL.—The United States Sen-
 15 tencing Commission, in consultation with the Attor-
 16 ney General, shall develop a list of possible sanctions
 17 for juveniles adjudicated delinquent.

18 “(2) LIST.—The list developed under para-
 19 graph (1) shall—

20 “(A) be comprehensive in nature and en-
 21 compass punishments of varying levels of sever-
 22 ity;

23 “(B) include terms of confinement; and

1 “(C) provide punishments that escalate in
2 severity with each additional or subsequent
3 more serious delinquent conduct.”.

4 (b) **EFFECTIVE DATE.**—The United States Sentenc-
5 ing Commission shall develop the list required pursuant
6 to section 5037(f), as amended by subsection (a), not later
7 than 180 days after the date of enactment of this Act.

8 **SEC. 127. USE OF JUVENILE RECORDS.**

9 Section 5038 of title 18, United States Code, is
10 amended—

11 (1) in subsection (a), by striking “Throughout”
12 and inserting “Except as otherwise provided this
13 section, throughout”;

14 (2) by striking subsections (d) and (f) and re-
15 designating subsection (e) as subsection (d); and

16 (3) by adding at the end the following:

17 “(e) **USE OF JUVENILE RECORDS.**—

18 “(1) **IN GENERAL.**—The court shall comply
19 with the requirements of paragraph (2), if a juvenile
20 is adjudicated delinquent in a juvenile delinquency
21 proceeding for conduct that, if committed by an
22 adult, would constitute a felony.

23 “(2) **REQUIREMENTS.**—The requirements re-
24 ferred to in paragraph (1) are that—

1 “(A) a record shall be kept relating to the
2 adjudication that is—

3 “(i) equivalent to the record that
4 would be kept of an adult conviction for
5 such an offense;

6 “(ii) retained for a period of time that
7 is equal to the period of time that records
8 are kept for adult convictions;

9 “(iii) made available to law enforce-
10 ment agencies of any jurisdiction;

11 “(iv) made available to officials of a
12 school, school district, or postsecondary
13 school where the individual who is the sub-
14 ject of the juvenile record seeks, intends,
15 or is instructed to enroll, if those officials
16 are held liable to the same standards and
17 penalties that law enforcement and juvenile
18 justice system employees are held liable to,
19 under Federal and State law for handling
20 and disclosing the information;

21 “(v) made available to any court hav-
22 ing criminal jurisdiction over such an indi-
23 vidual (in a juvenile or adult proceeding)
24 for the purpose of allowing the court to
25 consider the prior juvenile history of the

1 individual as a relevant factor in determin-
2 ing appropriate punishment for the individ-
3 ual at the sentencing hearing; and

4 “(vi) made available to any govern-
5 ment agency responsible for dealing with
6 victims of crimes for purposes of—

7 “(I) responding to an inquiry
8 from any victim of such juvenile delin-
9 quency or, if the victim is deceased,
10 from a member of the immediate fam-
11 ily of the victim, related to the final
12 disposition of such juvenile by the
13 court; and

14 “(II) communicating with a vic-
15 tim of such juvenile delinquency or, in
16 appropriate cases, with the official
17 representative of a victim, in order
18 to—

19 “(aa) apprise the victim or
20 representative of the status or
21 disposition of the proceeding;

22 “(bb) effectuate any other
23 provision of law; or

1 “(cc) assist in the allocution
 2 at disposition of the victim or the
 3 representative of the victim;

4 “(B) the juvenile shall be fingerprinted
 5 and photographed, and the fingerprints and
 6 photograph shall be—

7 “(i) sent to the Identification Division
 8 of the Federal Bureau of Investigation;
 9 and

10 “(ii) otherwise made available to the
 11 same extent that fingerprints and photo-
 12 graphs of adults are made available; and

13 “(C) the court in which the adjudication
 14 takes place shall transmit to the Identification
 15 Division of the Federal Bureau of Investigation,
 16 any information concerning the adjudication,
 17 including the name, date of adjudication, court,
 18 offenses, and disposition, along with a promi-
 19 nent notation that the matter concerns a juve-
 20 nile adjudication.

21 “(3) DISSEMINATION OF JUVENILE RECORDS
 22 BY THE FEDERAL BUREAU OF INVESTIGATION.—

23 “(A) IN GENERAL.—Any juvenile records
 24 received by the Federal Bureau of Investigation
 25 under this subsection shall be disseminated to

1 State and local law enforcement officials to the
 2 same extent and on the same terms as the Fed-
 3 eral Bureau of Investigation makes adult
 4 records available to those officials, except that
 5 all juvenile records shall include a prominent
 6 notation that the matter concerns a juvenile ad-
 7 judication.

8 “(B) INFORMATION TO SCHOOL OFFI-
 9 CIALS.—The head of the Identification Division
 10 of the Federal Bureau of Investigation shall
 11 provide, upon request, the information received
 12 by the Director under this subsection to offi-
 13 cials of a school, school district, or postsecond-
 14 ary school at which the individual who is the
 15 subject of the information seeks, intends, or is
 16 instructed or ordered to enroll.

17 “(4) FINGERPRINTING AND PHOTOGRAPHING
 18 UPON ARREST OF VIOLENT JUVENILE OFFEND-
 19 ERS.—If a juvenile who is arrested for conduct that,
 20 if committed by an adult, would constitute a crime
 21 of violence (as that term is defined in section 16)—

22 “(A) a record equivalent to the record that
 23 would be kept for an adult arrested for that
 24 conduct, including fingerprints and photo-
 25 graphs, shall be kept; and

1 “(B) the fingerprints and photograph shall
2 be—

3 “(i) sent to the Identification Division
4 of the Federal Bureau of Investigation;
5 and

6 “(ii) otherwise made available to the
7 same extent that fingerprints and photo-
8 graphs of adult offenders are made avail-
9 able.

10 “(f) RECORDS OF JUVENILES TRIED AS ADULTS.—
11 In any case in which a juvenile is tried as an adult in
12 Federal court, the Federal criminal record of the juvenile
13 shall be made available in the same manner as is applica-
14 ble to the records of adult defendants.”.

15 **SEC. 128. IMPLEMENTATION OF A SENTENCE FOR JUE-**
16 **NILE OFFENDERS.**

17 (a) IN GENERAL.—Section 5039 of title 18, United
18 States Code, is amended to read as follows:

19 **“§ 5039. Implementation of a sentence**

20 “(a) IN GENERAL.—Except as otherwise provided in
21 this chapter, the sentence for a juvenile who is adjudicated
22 delinquent or found guilty of an offense under any pro-
23 ceeding in a district court of the United States under sec-
24 tion 5032 shall be carried out in the same manner as for
25 an adult defendant.

1 “(b) SENTENCES OF IMPRISONMENT, PROBATION,
 2 AND SUPERVISED RELEASE.—Subject to subsection (d),
 3 the implementation of a sentence of imprisonment is gov-
 4 erned by subchapter C of chapter 229 and, if the sentence
 5 includes a term of probation or supervised release, by sub-
 6 chapter A of chapter 229.

7 “(c) SENTENCES OF FINES AND ORDERS OF RES-
 8 TITUTION; SPECIAL ASSESSMENTS.—

9 “(1) IN GENERAL.—A sentence of a fine, an
 10 order of restitution, or a special assessment under
 11 section 3013 shall be implemented and collected in
 12 the same manner as for an adult defendant.

13 “(2) PROHIBITION.—The parent, guardian, or
 14 custodian of a juvenile sentenced to pay a fine or or-
 15 dered to pay restitution or a special assessment
 16 under section 3013 may not be made liable for such
 17 payment by any court.

18 “(d) SEGREGATION OF JUVENILES; CONDITIONS OF
 19 CONFINEMENT.—

20 “(1) IN GENERAL.—No juvenile committed for
 21 incarceration, whether pursuant to an adjudication
 22 of delinquency or conviction for an offense, to the
 23 custody of the Attorney General may, before the ju-
 24 venile attains the age of 18 years, be placed or re-
 25 tained in any jail or correctional institution in which

1 the juvenile has prohibited physical contact with
 2 adult inmate or can engage in sustained oral com-
 3 munication with adult inmates. To the extent prac-
 4 ticable, violent juveniles shall be kept separate from
 5 nonviolent juveniles.

6 “(2) REQUIREMENTS.—Each juvenile who is
 7 committed for incarceration shall be provided with—

8 “(A) adequate food, heat, light, sanitary
 9 facilities, bedding, clothing, and recreation; and

10 “(B) as appropriate, counseling, education,
 11 training, and medical care (including necessary
 12 psychiatric, psychological, or other care or
 13 treatment).

14 “(3) COMMITMENT TO FOSTER HOME OR COM-
 15 MUNITY-BASED FACILITY.—Except in the case of a
 16 juvenile who is found guilty of a violent felony or
 17 who is adjudicated delinquent for an offense that
 18 would be a violent felony if the juvenile had been
 19 prosecuted as an adult, the Attorney General shall
 20 commit a juvenile to a foster home or community-
 21 based facility located in or near his home community
 22 if that commitment is—

23 “(A) practicable;

24 “(B) in the best interest of the juvenile;

25 and

1 “(C) consistent with the safety of the com-
 2 munity.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
 4 chapter 403 of title 18, United States Code, is amended
 5 by striking the item relating to section 5039 and inserting
 6 the following:

“5039. Implementation of a sentence.”.

7 **SEC. 129. JUVENILE ADJUDICATIONS CONSIDERED IN SEN-**
 8 **TENCING.**

9 Pursuant to its authority under section 994(p) of title
 10 28, United States Code, the United States Sentencing
 11 Commission shall amend the Federal Sentencing Guide-
 12 lines to provide that, for purposes of sentencing deter-
 13 minations with respect to an adult defendant, an offense
 14 contained in the juvenile record of the defendant for which
 15 the defendant was adjudicated delinquent, shall be treated
 16 in the same manner as an adult offense, if the juvenile
 17 offense would have constituted a felony if it had been com-
 18 mitted by the defendant as an adult.

19 **SEC. 130. VIOLENT, ARMED, AND DANGEROUS YOUTH AP-**
 20 **PREHENSION DIRECTIVE.**

21 (a) IN GENERAL.—Not later than 180 days after the
 22 date of enactment of this Act, the Attorney General shall
 23 establish a violent, armed, and dangerous youth appren-
 24 sion program consistent with the following requirements:

1 (1) VIOLENT YOUTH PROSECUTORS.—Each
 2 United States attorney shall designate at least 1 as-
 3 sistant United States attorney to prosecute, on ei-
 4 ther a full- or part-time basis, violent, armed, and
 5 dangerous youth offenders.

6 (2) TASK FORCE.—Each United States attorney
 7 shall establish a violent, armed, and dangerous
 8 youth criminal apprehension task force comprised of
 9 appropriate law enforcement representatives. The
 10 task force shall develop strategies for removing vio-
 11 lent, armed, and dangerous youth offenders from the
 12 streets, taking into consideration—

13 (A) the importance of severe punishment
 14 in deterring violent youth crime;

15 (B) the effectiveness of Federal and State
 16 laws pertaining to apprehension and prosecu-
 17 tion of violent, armed, and dangerous youth of-
 18 fenders;

19 (C) the resources available to each law en-
 20 forcement agency participating in the task
 21 force;

22 (D) the nature and extent of the violent
 23 youth crime occurring in the district for which
 24 the United States attorney is appointed; and

1 (E) the principle of limited Federal in-
 2 volvement in the prosecution of crimes tradi-
 3 tionally prosecuted in State and local jurisdic-
 4 tions.

5 (3) REPORT ON VIOLENT, ARMED, AND DAN-
 6 GEROUS YOUTH OFFENDERS.—Not less frequently
 7 than every other month, the Attorney General shall
 8 require each United States attorney to report to the
 9 Department of Justice—

10 (A) the number of youths in the district
 11 for which the United States attorney is ap-
 12 pointed, who were charged with, or convicted
 13 of—

14 (i) a crime of violence;

15 (ii) a Federal felony offense involving
 16 a controlled substance (as that term is de-
 17 fined in section 102 of the Controlled Sub-
 18 stances Act (21 U.S.C. 802)) for which the
 19 maximum term of imprisonment is not less
 20 than 5 years; or

21 (iii) a criminal street gang offense (as
 22 defined in section 521 of title 18, United
 23 States Code); and

1 (B) the number of youths referred to a
2 State for prosecution for offenses described in
3 subparagraph (A).

4 (4) COMPILATION AND REPORT ON WAIVERS.—
5 Not less frequently than twice annually, the Attor-
6 ney General shall submit to Congress a compilation
7 of the information received by the Department of
8 Justice pursuant to paragraph (3) and a report on
9 any waivers granted under subsection (b).

10 (b) WAIVER AUTHORITY.—

11 (1) REQUEST FOR WAIVER.—A United States
12 attorney may request the Attorney General to waive
13 the requirements of subsection (a) with respect to
14 the United States attorney.

15 (2) PROVISION OF WAIVER.—

16 (A) IN GENERAL.—The Attorney General
17 may waive the requirements of subsection (a)
18 pursuant to a request made under paragraph
19 (1), in accordance with guidelines which shall
20 be established by the Attorney General.

21 (B) FACTORS FOR CONSIDERATION.—In
22 establishing guidelines under this paragraph,
23 the Attorney General shall take into consider-
24 ation the number of assistant United States at-
25 torneys in the office of the United States attor-

1 ney making the request and the level of crime
 2 committed by violent, armed, and dangerous
 3 youth in the district for which the United
 4 States attorney is appointed.

5 (c) DEFINITION OF VIOLENT, ARMED, AND DAN-
 6 GEROUS YOUTH.—In this section, the term “violent,
 7 armed, and dangerous youth” means a person who is less
 8 than 18 years of age and who is charged with—

9 (1) a violation of section 922(g)(1) of title 18,
 10 United States Code, having been previously—

11 (A) convicted of a crime of violence; or

12 (B) adjudicated delinquent for an act that
 13 would have been a crime of violence, if the per-
 14 son had been an adult at the time the act was
 15 committed; or

16 (2) a violation of section 924 of that title;

17 (3) a Federal felony involving a controlled sub-
 18 stance (as defined in section 102 of the Controlled
 19 Substances Act (21 U.S.C. 802)) for which the max-
 20 imum term of imprisonment is not less than 5 years;

21 (4) a Federal felony crime of violence that has
 22 as an element the use or attempted use of physical
 23 force against the person of another; or

24 (5) a criminal street gang offense (as defined in
 25 section 521 of title 18, United States Code).

1 **SEC. 131. CONSTRUCTION OF FEDERAL JUVENILE CORREC-**
 2 **TIONS FACILITIES.**

3 (a) IN GENERAL.—Not later than 4 years after the
 4 date of enactment of this Act, to ensure that prison cell
 5 space is available for the confinement of Federal juvenile
 6 offenders, the Bureau of Prisons of the Department of
 7 Justice shall establish (through construction and develop-
 8 ment of new facilities, expansion or modification of exist-
 9 ing facilities, or any combination thereof) and operate 4
 10 new correctional facilities for the confinement of Federal
 11 juvenile offenders.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 13 authorized to be appropriated such sums as may be nec-
 14 essary to carry out this section.

15 **Subtitle C—Combating Gang**
 16 **Violence**

17 **SEC. 141. INCREASED OFFENSE LEVEL FOR PARTICIPATION**
 18 **IN CRIME AS A GANG MEMBER.**

19 (a) DEFINITION.—In this section, the term “criminal
 20 street gang” has the meaning given that term in section
 21 521 of title 18, United States Code.

22 (b) AMENDMENT OF SENTENCING GUIDELINES.—
 23 Pursuant to its authority under section 994(p) of title 28,
 24 United States Code, the United States Sentencing Com-
 25 mission shall amend the Federal sentencing guidelines to
 26 provide an appropriate enhancement, increasing the of-

1 fense level by not less than 6 levels, for any offense, if
 2 the offense was both committed in connection with, or in
 3 furtherance of, the activities of a criminal street gang and
 4 the defendant was a member of the criminal street gang
 5 at the time of the offense.

6 (c) CONSTRUCTION WITH OTHER GUIDELINES.—
 7 The amendment made pursuant to subsection (b) shall
 8 provide that the increase in the offense level shall be in
 9 addition to any other adjustment under chapter 3 of the
 10 Federal sentencing guidelines.

11 **SEC. 142. AMENDMENT OF TITLE 18 WITH RESPECT TO**
 12 **CRIMINAL STREET GANGS.**

13 (a) IN GENERAL.—Section 521 of title 18, United
 14 States Code, is amended—

15 (1) in subsection (a)—

16 (A) by striking “(a) DEFINITIONS.—” and
 17 inserting the following:

18 “(a) DEFINITIONS.—In this section:”, and

19 (B) by striking “‘conviction’ and all that
 20 follows through the end of the subsection and
 21 inserting the following:

22 “(1) CRIMINAL STREET GANG.—The term
 23 ‘criminal street gang’ means an ongoing group, club,
 24 organization, or association of 5 or more persons,
 25 whether formal or informal—

1 “(A) a primary activity of which is the
2 commission of 1 or more predicate gang crimes;

3 “(B) any member of which engages, or has
4 engaged during the 5-year period preceding the
5 date at issue, in a pattern of criminal gang ac-
6 tivity; and

7 “(C) the activities of which affect inter-
8 state or foreign commerce.

9 “(2) PATTERN OF CRIMINAL GANG ACTIVITY.—
10 The term ‘pattern of criminal gang activity’ means
11 the commission of 2 or more predicate gang crimes
12 committed in connection with, or in furtherance of,
13 the activities of a criminal street gang—

14 “(A) not less than 1 of which was commit-
15 ted after the date of enactment of the Federal
16 Gang Violence Act;

17 “(B) the first of which was committed not
18 more than 5 years before the commission of an-
19 other predicate gang crime; and

20 “(C) that were committed on separate oc-
21 casions.

22 “(3) PREDICATE GANG CRIME.—The term
23 ‘predicate gang crime’ means an offense, including
24 an act of juvenile delinquency that, if committed by
25 an adult, would be an offense that is—

1 “(A) a Federal offense—

2 “(i) that is a crime of violence (as
3 that term is defined in section 16) includ-
4 ing carjacking, drive-by-shooting, shooting
5 at an unoccupied dwelling or motor vehicle,
6 assault with a deadly weapon, and homi-
7 cide;

8 “(ii) that involves a controlled sub-
9 stance (as that term is defined in section
10 102 of the Controlled Substances Act (21
11 U.S.C. 802)) for which the penalty is im-
12 prisonment for not less than 5 years;

13 “(iii) that is a violation of section
14 844, 875, or 876 (relating to extortion and
15 threats), section 1084 (relating to gam-
16 bling), section 1955 (relating to gambling),
17 or chapter 73 (relating to obstruction of
18 justice);

19 “(iv) that is a violation of section
20 1956 (relating to money laundering), inso-
21 far as the violation of that section is relat-
22 ed to a Federal or State offense involving
23 a controlled substance (as that term is de-
24 fined in section 102 of the Controlled Sub-
25 stances Act (21 U.S.C. 802)); or

1 “(v) that is a violation of section
 2 274(a)(1)(A), 277, or 278 of the Immigra-
 3 tion and Nationality Act (8 U.S.C.
 4 1324(a)(1)(A), 1327, or 1328) (relating to
 5 alien smuggling);

6 “(B) a State offense involving conduct that
 7 would constitute an offense under subparagraph
 8 (A) if Federal jurisdiction existed or had been
 9 exercised; or

10 “(C) a conspiracy, attempt, or solicitation
 11 to commit an offense described in subparagraph
 12 (A) or (B).

13 “(4) STATE.—The term ‘State’ includes a State
 14 of the United States, the District of Columbia, Puer-
 15 to Rico, Guam, the Virgin Islands, and any other
 16 territory or possession of the United States.”; and

17 (2) by striking subsections (b), (c), and (d) and
 18 inserting the following:

19 “(b) CRIMINAL PENALTIES.—Any person who en-
 20 gages in a pattern of criminal gang activity—

21 “(1) shall be sentenced to—

22 “(A) a term of imprisonment of not less
 23 than 5 years and not more than 25 years, or
 24 a term of imprisonment of not less than 5 years

1 and not more than 25 years and fined under
2 this title; and

3 “(B) the forfeiture prescribed in section
4 413 of the Controlled Substances Act (21
5 U.S.C. 853); and

6 “(2) if any person engages in that activity after
7 1 or more prior convictions under this section have
8 become final, shall be sentenced to—

9 “(A) a term of imprisonment of not less
10 than 20 years and not more than life, or a term
11 of imprisonment of not less than 20 years and
12 not more than life and fined under this title;
13 and

14 “(B) the forfeiture prescribed in section
15 412 of the Controlled Substances Act (21
16 U.S.C. 853).

17 “(c) CERTIFICATION.—A person may not be pros-
18 ecuted for an offense under this section unless the Attor-
19 ney General, the Deputy Attorney General, or the Assist-
20 ant Attorney General for the Criminal Division personally
21 certifies (which certification shall not be subject to review
22 in or by any court) that, in the judgment of that official,
23 the prosecution of that person—

24 “(1) is in the public interest; and

25 “(2) is necessary to secure substantial justice.”.

1 (b) CONFORMING AMENDMENT.—Section 3663(c)(4)
 2 of title 18, United States Code, is amended by inserting
 3 before “chapter 46” the following: “section 521 of this
 4 title,”.

5 **SEC. 143. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 6 **PORTATION IN AID OF CRIMINAL STREET**
 7 **GANGS.**

8 (a) TRAVEL ACT AMENDMENTS.—

9 (1) PROHIBITED CONDUCT AND PENALTIES.—
 10 Section 1952(a) of title 18, United States Code, is
 11 amended to read as follows:

12 “(a) PROHIBITED CONDUCT AND PENALTIES.—

13 “(1) IN GENERAL.—Any person who—

14 “(A) travels in interstate or foreign com-
 15 merce or uses the mail or any facility in inter-
 16 state or foreign commerce, with intent to—

17 “(i) distribute the proceeds of any un-
 18 lawful activity; or

19 “(ii) otherwise promote, manage, es-
 20 tablish, carry on, or facilitate the pro-
 21 motion, management, establishment, or
 22 carrying on, of any unlawful activity; and

23 “(B) after travel or use of the mail or any
 24 facility in interstate or foreign commerce de-
 25 scribed in subparagraph (A), performs, at-

1 tempts to perform, or conspires to perform an
 2 act described in clause (i) or (ii) of subpara-
 3 graph (A),

4 shall be imprisoned not more than 10 years, fined
 5 under this title, or both.

6 “(2) CRIMES OF VIOLENCE.—Any person
 7 who—

8 “(A) travels in interstate or foreign com-
 9 merce or uses the mail or any facility in inter-
 10 state or foreign commerce, with intent to com-
 11 mit any crime of violence to further any unlaw-
 12 ful activity; and

13 “(B) after travel or use of the mail or any
 14 facility in interstate or foreign commerce de-
 15 scribed in subparagraph (A), commits, attempts
 16 to commit, or conspires to commit any crime of
 17 violence to further any unlawful activity,
 18 shall be imprisoned not more than 20 years, fined
 19 under this title, or both, and if death results shall
 20 be sentenced to death or be imprisoned for any term
 21 of years or for life.”.

22 (2) DEFINITIONS.—Section 1952(b) of title 18,
 23 United States Code, is amended to read as follows:

24 “(b) DEFINITIONS.—In this section:

1 “(1) CONTROLLED SUBSTANCE.—The term
2 ‘controlled substance’ has the same meaning as in
3 section 102(6) of the Controlled Substances Act (21
4 U.S.C. 802(6)).

5 “(2) CRIME OF VIOLENCE.—The term ‘crime of
6 violence’ has the same meaning as in section 16.

7 “(3) STATE.—The term ‘State’ includes a State
8 of the United States, the District of Columbia, and
9 any commonwealth, territory, or possession of the
10 United States.

11 “(4) UNLAWFUL ACTIVITY.—The term ‘unlaw-
12 ful activity’ means—

13 “(A) predicate gang crime (as that term is
14 defined in section 521);

15 “(B) any business enterprise involving
16 gambling, liquor on which the Federal excise
17 tax has not been paid, narcotics or controlled
18 substances, or prostitution offenses in violation
19 of the laws of the State in which the offense is
20 committed or of the United States;

21 “(C) extortion, bribery, arson, robbery,
22 burglary, assault with a deadly weapon, retalia-
23 tion against or intimidation of witnesses, vic-
24 tims, jurors, or informants, assault resulting in
25 bodily injury, possession of or trafficking in sto-

len property, kidnapping, alien smuggling, or shooting at an occupied dwelling or motor vehicle, in each case, in violation of the laws of the State in which the offense is committed or of the United States; or

“(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.”.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal sentencing guidelines so that—

(A) the base offense level for traveling in interstate or foreign commerce in aid of a criminal street gang or other unlawful activity is increased to 12; and

(B) the base offense level for the commission of a crime of violence in aid of a criminal street gang or other unlawful activity is increased to 24.

(2) DEFINITIONS.—In this subsection:

(A) CRIMINAL STREET GANG.—The term “criminal street gang” has the meaning given

1 that term in section 521 of title 18, United
2 States Code.

3 (B) UNLAWFUL ACTIVITY.—The term “un-
4 lawful activity” has the meaning given that
5 term in section 1952(b) of title 18, United
6 States Code, as amended by this section.

7 **SEC. 144. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
8 **CAREER CRIMINAL PREDICATES.**

9 Section 924(e)(2)(A) of title 18, United States Code,
10 is amended—

11 (1) in clause (i), by striking “or” at the end;

12 (2) in clause (ii), by adding “or” at the end;

13 and

14 (3) by adding at the end the following:

15 “(iii) any act of juvenile delinquency
16 that if committed by an adult would be an
17 offense described in clause (i) or (ii);”.

18 **SEC. 145. INCREASED PENALTIES FOR USING PHYSICAL**
19 **FORCE TO TAMPER WITH WITNESSES, VIC-**
20 **TIMS, OR INFORMANTS.**

21 Section 1512 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “as pro-
2 vided in paragraph (2)” and inserting “as pro-
3 vided in paragraph (3)”;

4 (B) by redesignating paragraph (2) as
5 paragraph (3);

6 (C) by inserting after paragraph (1) the
7 following:

8 “(2) USE OF PHYSICAL FORCE TO TAMPER
9 WITH WITNESSES, VICTIMS, OR INFORMANTS.—Who-
10 ever uses physical force or the threat of physical
11 force against any person, or attempts to do so, with
12 intent to—

13 “(A) influence, delay, or prevent the testi-
14 mony of any person in an official proceeding;

15 “(B) cause or induce any person to—

16 “(i) withhold testimony, or withhold a
17 record, document, or other object, from an
18 official proceeding;

19 “(ii) alter, destroy, mutilate, or con-
20 ceal an object with intent to impair the ob-
21 ject’s integrity or availability for use in an
22 official proceeding;

23 “(iii) evade legal process summoning
24 that person to appear as a witness, or to

1 produce a record, document, or other ob-
2 ject, in an official proceeding; or

3 “(iv) be absent from an official pro-
4 ceeding to which such person has been
5 summoned by legal process; or

6 “(C) hinder, delay, or prevent the commu-
7 nication to a law enforcement officer or judge
8 of the United States of information relating to
9 the commission or possible commission of a
10 Federal offense or a violation of conditions of
11 probation, parole, or release pending judicial
12 proceedings;

13 shall be punished as provided in paragraph (3).”;

14 and

15 (D) by paragraph (3), as redesignated, by
16 striking subparagraph (B) and inserting the fol-
17 lowing:

18 “(B) in the case of—

19 “(i) an attempt to murder; or

20 “(ii) the use of physical force against
21 any person;

22 imprisonment for not more than 20 years.”;

23 (2) in subsection (b), by striking “or physical
24 force”; and

25 (3) by adding at the end the following:

6 **TITLE II—ACCOUNTABILITY FOR**
7 **JUVENILE OFFENDERS AND**
8 **PUBLIC PROTECTION INCEN-**
9 **TIVE GRANTS TO STATES**

11 (a) IN GENERAL.—Part R of title I of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
13 3796 et seq.) is amended to read as follows:

16 **“SEC. 1801. DEFINITIONS.**

18 “(1) DIRECTOR.—The term ‘Director’ means
19 the Director of the Bureau of Justice Assistance of
20 the Department of Justice.

23 “(3) LAW ENFORCEMENT EXPENDITURES.—
24 The term ‘law enforcement expenditures’ means the
25 expenditures associated with police, prosecutorial,

1 legal, and judicial services, and corrections as re-
 2 ported to the Bureau of the Census for the fiscal
 3 year preceding the fiscal year for which a determina-
 4 tion is made under this part.

5 “(4) PART 1 VIOLENT CRIMES.—The term ‘part
 6 1 violent crimes’ means murder and nonnegligent
 7 manslaughter, forcible rape, robbery, and aggravated
 8 assault as reported to the Federal Bureau of Inves-
 9 tigation for purposes of the Uniform Crime Reports.

10 “(5) STATE.—The term ‘State’ means any
 11 State of the United States, the District of Columbia,
 12 the Commonwealth of Puerto Rico, the Virgin Is-
 13 lands, American Samoa, Guam, and the Northern
 14 Mariana Islands, except that—

15 “(A) American Samoa, Guam, and the
 16 Northern Mariana Islands shall be considered
 17 to be 1 State; and

18 “(B) for purposes of section 1804, 33 per-
 19 cent of the amounts allocated shall be allocated
 20 to American Samoa, 50 percent to Guam, and
 21 17 percent to the Northern Mariana Islands.

22 “(6) UNIT OF LOCAL GOVERNMENT.—The term
 23 ‘unit of local government’ means—

24 “(A) a county, township, city, or political
 25 subdivision of a county, township, or city, that

1 is a unit of local government as determined by
 2 the Secretary of Commerce for general statis-
 3 tical purposes; and

4 “(B) the District of Columbia and the rec-
 5 ognized governing body of an Indian tribe or
 6 Alaskan Native village that carries out substan-
 7 tial governmental duties and powers.

8 **“SEC. 1802. GRANT AUTHORIZATION.**

9 “(a) IN GENERAL.—In order to promote greater ac-
 10 countability in the juvenile justice system, the Director
 11 may make grants in accordance with this part to States,
 12 for use by States and units of local government for activi-
 13 ties described in subsection (b).

14 “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
 15 State, or a unit of local government under this part shall
 16 be used by the State or unit of local government for the
 17 purpose of promoting greater accountability in the juvenile
 18 justice system, including—

19 “(1) building, expanding, or operating tem-
 20 porary or permanent juvenile correction or detention
 21 facilities;

22 “(2) developing and administering accountabil-
 23 ity-based sanctions for juvenile offenders;

1 “(3) hiring additional prosecutors, so that more
2 cases involving violent juvenile offenders can be
3 prosecuted and backlogs reduced;

4 “(4) providing funding to enable prosecutors to
5 address drug, gang, and youth violence problems
6 more effectively;

7 “(5) providing funding for technology, equip-
8 ment, and training to assist prosecutors in identify-
9 ing and expediting the prosecution of violent juvenile
10 offenders;

11 “(6) providing funding to enable juvenile courts
12 and juvenile probation offices to be more effective
13 and efficient in holding juvenile offenders account-
14 able and reducing recidivism;

15 “(7) the establishment of court-based juvenile
16 justice programs that target young firearms offend-
17 ers through the establishment of juvenile gun courts
18 for the adjudication and prosecution of juvenile fire-
19 arms offenders;

20 “(8) establishing and maintaining interagency
21 information-sharing programs that enable the juve-
22 nile and criminal justice system, schools, and social
23 services agencies to make more informed decisions
24 regarding the early identification, control, super-

1 vision, and treatment of juveniles who repeatedly
 2 commit serious delinquent or criminal acts;

3 “(9) establishing and maintaining accountabil-
 4 ity-based programs that work with juvenile offenders
 5 who are referred by law enforcement agencies, or
 6 that are designed, in cooperation with law enforce-
 7 ment officials, to protect students and school person-
 8 nel from drug, gang, and youth violence; and

9 “(10) for programs to seek to target, curb, and
 10 punish adults who knowingly and intentionally use a
 11 juvenile during the commission or attempted com-
 12 mission of a crime, including programs that specifi-
 13 cally provide for additional punishments or sentence
 14 enhancements for adults who knowingly and inten-
 15 tionally use a juvenile during the commission or at-
 16 tempted commission of a crime.

17 **“SEC. 1803. ELIGIBILITY.**

18 “(a) ELIGIBILITY.—To be eligible to receive a grant
 19 under this part, a State shall submit an application to the
 20 Director that demonstrates that the State has in effect
 21 or has implemented (or will have in effect or will have im-
 22 plemented not later than 1 year after the date on which
 23 the State submits the application) laws, policies, or pro-
 24 grams that provide for each of the following:

1 “(1) PROSECUTION OF JUVENILES AS ADULTS
 2 FOR CERTAIN OFFENSES.—The State shall prosecute
 3 juveniles who are not less than 14 years of age as
 4 adults in criminal court, rather than in juvenile de-
 5 linquency proceedings, for conduct constituting—

6 “(A) murder;

7 “(B) robbery while armed with a dan-
 8 gerous or deadly weapon;

9 “(C) battery or assault while armed with a
 10 dangerous or deadly weapon;

11 “(D) forcible rape;

12 “(E) any serious drug offense that, if com-
 13 mitted by an adult subject to Federal jurisdic-
 14 tion, would be punishable under section
 15 401(b)(1)(A) of the Controlled Substances Im-
 16 port and Export Act (21 U.S.C. 960(b)(1)(A));

17 “(F) the third or subsequent occasion, un-
 18 related to any previous occasion, on which the
 19 juveniles engage in conduct for which adults
 20 could be imprisoned for a term exceeding 1
 21 year, unless, on a case-by-case basis—

22 “(i) a court determines that trying the
 23 juvenile as an adult is not in the interest
 24 of justice under State law;

1 “(ii) the court records its reasons for
 2 making that determination in writing and
 3 makes the record available for inspection
 4 by the public at large; and

5 “(iii) the court makes a record in
 6 writing of the disposition of the juvenile in
 7 the juvenile justice system available to the
 8 public to the same extent that records of
 9 adult criminal proceedings are open to the
 10 public, notwithstanding any other law re-
 11 quiring the information to be withheld or
 12 limited in any way from access by the pub-
 13 lic; and

14 “(G) any other crime or in any other cir-
 15 cumstance, as the State determines to be appro-
 16 priate.

17 “(2) RECORDKEEPING REQUIREMENTS FOR JU-
 18 VENILE DELINQUENCY PROCEEDINGS.—In any case
 19 in which a juvenile is adjudicated delinquent, as de-
 20 fined by Federal or State law, in a juvenile delin-
 21 quency proceeding, for conduct that if committed by
 22 an adult would constitute a felony under Federal or
 23 State law, the State shall ensure that—

24 “(A) a record is kept relating to the adju-
 25 dication that is—

1 “(i) equivalent to the record that
2 would be kept of an adult conviction for
3 such an offense;

4 “(ii) retained for a period of time that
5 is equal to the period of time records are
6 kept for adult convictions;

7 “(iii) made available to law enforce-
8 ment agencies of any jurisdiction;

9 “(iv) made available to officials of a
10 school, school district, or postsecondary
11 school in which the individual who is the
12 subject of the juvenile record seeks, in-
13 tends, or is instructed to enroll, provided
14 that those officials are held liable to the
15 same standards and penalties that law en-
16 forcement and juvenile justice system em-
17 ployees are held liable to, under Federal
18 and State law for handling and disclosing
19 the information;

20 “(v) made available to any court hav-
21 ing criminal jurisdiction over such an indi-
22 vidual (in a juvenile or adult proceeding)
23 for the purpose of allowing the court to
24 consider the entire juvenile history of the
25 individual as a relevant factor in determin-

1 ing appropriate punishment for the individ-
2 ual at the sentencing hearing; and

3 “(vi) made available to any govern-
4 ment agency responsible for dealing with
5 victims of crime for purposes of—

6 “(I) responding to an inquiry
7 from any victim of such juvenile delin-
8 quency or, if the victim is deceased,
9 from a member of the immediate fam-
10 ily of the victim, related to the final
11 disposition of such juvenile by the
12 court; and

13 “(II) communicating with a vic-
14 tim of such juvenile delinquency or, in
15 appropriate cases, with the official
16 representative of a victim, in order
17 to—

18 “(aa) apprise the victim or
19 representative of the status or
20 disposition of the proceeding;

21 “(bb) effectuate any other
22 provision of law; or

23 “(cc) assist in the allocution
24 at disposition of the victim or the
25 representative of the victim;

1 “(B) the juvenile is fingerprinted and pho-
2 tographed, and the fingerprints and photograph
3 are sent to the Identification Division of the
4 Federal Bureau of Investigation; and

5 “(C) the court in which the adjudication
6 takes place transmits to the Identification Divi-
7 sion of the Federal Bureau of Investigation, in-
8 formation concerning the adjudication, includ-
9 ing the name, date of adjudication, court, of-
10 fenses, and disposition, along with a prominent
11 notation that the matter concerns a juvenile ad-
12 judication.

13 “(3) FINGERPRINTING AND PHOTOGRAPHING
14 UPON ARREST OF VIOLENT JUVENILE OFFEND-
15 ERS.—In any case in which a juvenile is arrested for
16 conduct that if committed by an adult would con-
17 stitute a crime of violence (as that term is defined
18 in section 16 of title 18, United States Code), the
19 State shall ensure that—

20 “(A) the juvenile is fingerprinted and pho-
21 tographed;

22 “(B) the fingerprints and photograph are
23 submitted to the Identification Division of the
24 Federal Bureau of Investigation in the same

1 manner in which fingerprints and photographs
 2 of adult offenders are submitted.

3 “(4) PENALTIES FOR ADULTS WHO USE JUVE-
 4 NILES IN CRIMES OF VIOLENCE OR DRUG OF-
 5 FENSES.—

6 “(A) IN GENERAL.—In any case in which
 7 an adult knowingly and intentionally uses a ju-
 8 venile during the commission or attempted com-
 9 mission of a crime of violence or an offense in-
 10 volving a controlled substance, the State shall
 11 provide for an enhanced sentence or a criminal
 12 penalty for the adult.

13 “(B) DEFINITIONS.—In this paragraph:

14 “(i) CONTROLLED SUBSTANCE.—The
 15 term ‘controlled substance’ has the same
 16 meaning as in section 102 of the Con-
 17 trolled Substances Act (21 U.S.C. 802) for
 18 which the penalty is imprisonment of not
 19 less than 5 years.

20 “(ii) CRIME OF VIOLENCE.—The term
 21 ‘crime of violence’ has the same meaning
 22 as in section 16 of title 18, United States
 23 Code.

1 “(iii) USES.—The term ‘uses’ means
2 employs, hires, persuades, induces, entices,
3 or coerces.

4 “(b) ADDITIONAL AMOUNT BASED ON ACCOUNT-
5 ABILITY-BASED JUVENILE CRIME CONTROL PRAC-
6 TICES.—Each State that receives a grant under this part
7 shall be eligible to receive an additional amount added to
8 the grant, if the State demonstrates that the State has
9 in effect, or will have in effect not later than 1 year after
10 the deadline established by the Administrator for the sub-
11 mission of applications under subsection (a) for the fiscal
12 year at issue, 1 or more of the following accountability-
13 based juvenile crime control practices:

14 “(1) GRADUATED SANCTIONS.—Graduated
15 sanctions for juvenile delinquents, ensuring a sanc-
16 tion for every delinquent act, and escalating sanc-
17 tions for each subsequent delinquent act.

18 “(2) VICTIMS’ RIGHTS.—Increased victims’
19 rights, including—

20 “(A) the right to be present at any juvenile
21 proceeding at which the juvenile defendant has
22 that right;

23 “(B) the right to be notified of any release
24 or escape of an offender who committed a crime
25 against a particular victim; and

1 “(C) the right to full restitution.

2 “(3) RESTITUTION PROGRAMS FOR YOUNG OF-
3 FENDERS.—Restitution programs, such as any pro-
4 gram that gives juvenile offenders the opportunity to
5 assume responsibility for their delinquent acts by
6 earning restitution for their victims while working at
7 community or public agencies.

8 “(4) HABITUAL OFFENDER PROGRAM.—A seri-
9 ous habitual offender comprehensive action program
10 that—

11 “(A) establishes a multidisciplinary inter-
12 agency case management and information shar-
13 ing system, that enables the juvenile and crimi-
14 nal justice system, schools, and social service
15 agencies to make informed decisions regarding
16 early identification, control, supervision, and
17 treatment of juveniles who repeatedly commit
18 serious delinquent or criminal acts;

19 “(B) requires, under each program de-
20 scribed in subparagraph (A), each unit of local
21 government in a State to establish a multidisci-
22 plinary agency comprised of representatives
23 from—

24 “(i) law enforcement organizations;

25 “(ii) school districts;

1 “(iii) State’s attorneys offices;

2 “(iv) court services;

3 “(v) State and county children and
4 family services; and

5 “(vi) any additional organizations,
6 groups, or agencies determined by the
7 State to be appropriate to accomplish the
8 purposes described in subparagraph (A),
9 including—

10 “(I) juvenile detention centers;

11 “(II) mental and medical health
12 agencies; and

13 “(III) the community;

14 “(C) requires each multidisciplinary agency
15 established under subparagraph (B) to adopt,
16 by a majority of its members, criteria to iden-
17 tify individuals who are serious habitual offend-
18 ers;

19 “(D)(i) requires each multidisciplinary
20 agency established under subparagraph (B) to
21 adopt, by a majority of its members, an inter-
22 agency information sharing agreement to be
23 signed by the chief executive officer of each or-
24 ganization and agency represented in the multi-
25 disciplinary agency; and

“(ii) requires an interagency information sharing agreement referred to in clause (i) to require that—

“(I) all records pertaining to serious habitual offenders shall be kept confidential to the extent required by State law;

“(II) information in the records may be made available to other staff from member organizations and agencies as authorized by the multidisciplinary agency for the purposes of promoting case management, community supervision, conduct control, and tracking of the serious habitual offender for the application and coordination of appropriate services; and

“(III) access to the information in the records shall be limited to individuals who provide direct services to the serious habitual offender or who provide community conduct control and supervision to the serious habitual offender.

“(5) CONSTRUCTION OF JUVENILE CORRECTIONAL FACILITIES.—

“(A) IN GENERAL.—The construction, development, expansion, modification, or improve-

1 ment of secure juvenile correctional facilities or
2 secure detention facilities.

3 “(B) DEFINITIONS.—In this paragraph:

4 “(i) SECURE DETENTION FACILITY.—

5 The term ‘secure detention facility’ means
6 a residential facility that includes construc-
7 tion fixtures designed to physically restrict
8 the movements and activities of juveniles,
9 and is used for the temporary placement of
10 any juvenile who is accused of having com-
11 mitted an offense.

12 “(ii) SECURE JUVENILE CORRECTION

13 FACILITY.—The term ‘secure juvenile cor-
14 rection facility’ means a residential facility
15 that includes construction fixtures designed
16 to physically restrict the movements and
17 activities of juveniles and is used for place-
18 ment, after adjudication and disposition, of
19 any juvenile who has been adjudicated as
20 having committed an offense.

21 “(c) NOTICE.—The Director shall issue regulations

22 establishing procedures under which a State that receives
23 a grant under this part shall be required to provide notice
24 to the Director regarding the proposed use of amounts
25 made available under this part.

1 **“SEC. 1804. ALLOCATION AND DISTRIBUTION OF AMOUNTS.**

2 “(a) STATE ALLOCATION.—

3 “(1) IN GENERAL.—In accordance with regula-
4 tions promulgated pursuant to this part, of the total
5 amount made available to carry out this part in each
6 fiscal year, the Director shall distribute—

7 “(A) 0.2 percent to each State; and

8 “(B) of the total amount remaining after
9 the allocation under subparagraph (A), to each
10 State, an amount that bears the same ratio to
11 that remaining amount as the population of ju-
12 veniles living in the State for the most recent
13 calendar year in which that data is available
14 bears to the population of juveniles of all the
15 States for that fiscal year.

16 “(2) PROPORTIONAL REDUCTION.—

17 “(A) IN GENERAL.—If amounts available
18 to carry out paragraph (1)(A) for any payment
19 period are insufficient to pay in full the total
20 payment that any State is otherwise eligible to
21 receive under paragraph (1)(A) for that period,
22 the Director shall reduce payments under para-
23 graph (1)(A) for that payment period to the ex-
24 tent of the insufficiency.

25 “(B) ALLOCATION.—Any reduction under
26 subparagraph (A) shall be allocated among the

1 States (other than States whose payment is de-
 2 termined under paragraph (2)) in the same pro-
 3 portions as amounts would be allocated under
 4 paragraph (1) without regard to paragraph (2).

5 “(3) PROHIBITION.—No amount allocated to a
 6 State under this subsection or received by a State
 7 for distribution under subsection (b) may be distrib-
 8 uted by the Director or by the State at issue for any
 9 program other than a program described in an appli-
 10 cation approved under this part.

11 “(b) LOCAL DISTRIBUTION.—

12 “(1) IN GENERAL.—Each State that receives
 13 amounts under subsection (a)(1) in a fiscal year
 14 shall distribute not less than 75 percent of those
 15 amounts among units of local government for activi-
 16 ties described in section 1802(b).

17 “(2) RATIO.—In making any distribution under
 18 paragraph (1), a State shall allocate to each unit of
 19 local government described an amount that bears the
 20 same ratio to the aggregate of those amounts as—

21 “(A) the sum of—

22 “(i) the product of—

23 “(I) two-thirds; multiplied by

24 “(II) the average law enforce-
 25 ment expenditure for the unit of local

1 government for the 3 most recent cal-
 2 endar years for which such data is
 3 available; plus

4 “(ii) the product of—

5 “(I) one-third; multiplied by

6 “(II) the average annual number
 7 of part 1 violent crimes in the unit of
 8 local government for the 3 most re-
 9 cent calendar years for which such
 10 data is available, bears to—

11 “(B) the sum of the products determined
 12 under subparagraph (A) for all those units of
 13 local government in the State.

14 “(3) EXPENDITURES.—The allocation that any
 15 unit of local government shall receive under para-
 16 graph (2) for a payment period shall not exceed 100
 17 percent of law enforcement expenditures of the unit
 18 of local government for that payment period.

19 “(4) REALLOCATION.—The amount of any allo-
 20 cation to a unit of local government that is not avail-
 21 able to the unit of local government by operation of
 22 paragraph (3) shall be available to other units of
 23 local government that are not affected by the oper-
 24 ation of that paragraph in accordance with this sub-
 25 section.

1 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
 2 LOCAL GOVERNMENT.—If a State has reason to believe
 3 that the reported rate of part 1 violent crimes or law en-
 4 forcement expenditures for a unit of local government is
 5 insufficient or inaccurate, the State shall—

6 “(1) investigate the methodology used by the
 7 unit of local government to determine the accuracy
 8 of the submitted data; and

9 “(2) if necessary, use the best available com-
 10 parable data regarding the number of violent crimes
 11 or law enforcement expenditure for the relevant
 12 years for the unit of local government.

13 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
 14 THAN \$5,000.—If under this section a unit of local gov-
 15 ernment is allocated less than \$5,000 for a payment pe-
 16 riod, the amount allotted shall be expended by the State
 17 on services to units of local government whose allotment
 18 is less than such amount in a manner consistent with this
 19 part.

20 **“SEC. 1805. STATE OPTIONS.**

21 “(a) PURPOSE.—The purpose of this section is to en-
 22 sure that State and local governments, exercising their au-
 23 thority under subsection (b), consider all nongovernmental
 24 organizations on an equal basis when choosing such orga-
 25 nizations to provide assistance to beneficiaries under gov-

1 ernment programs described in subsection (b), without im-
 2 pairing the religious character of any of the organizations,
 3 and without diminishing the religious freedom of bene-
 4 ficiaries of assistance funded under such programs.

5 “(b) GENERAL AUTHORITY.—Each State that re-
 6 ceives a grant under this part (or unit of local government
 7 that receives amounts from a State through the grant)
 8 may—

9 “(1) administer and provide assistance under a
 10 program authorized under this part through con-
 11 tracts with charitable, religious, or private organiza-
 12 tions; and

13 “(2) provide beneficiaries of assistance under a
 14 program authorized under this part with certificates,
 15 vouchers, or other forms of disbursement that are
 16 redeemable with those organizations.

17 “(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NON-
 18 GOVERNMENTAL PROVIDERS.—In the event a State or
 19 local government exercises its authority under subsection
 20 (b) a program described in subsection (b), religious orga-
 21 nizations shall be eligible, on the same basis as other non-
 22 governmental organizations, to enter into contracts, or to
 23 accept certificates, vouchers, or other forms of disburse-
 24 ment, to provide assistance under the program described
 25 in subsection (b), so long as the program is implemented

1 in a manner consistent with the Establishment Clause of
 2 the first amendment to the Constitution. Neither the Fed-
 3 eral Government nor a State or local government receiving
 4 funds under such program shall discriminate against an
 5 organization that provides assistance under, or applies to
 6 provide assistance under, such program, on the basis that
 7 the organization has a religious character.

8 “(d) RELIGIOUS CHARACTER AND INDEPEND-
 9 ENCE.—

10 “(1) IN GENERAL.—A religious organization
 11 that provides assistance under a program described
 12 in subsection (b) shall retain its independence from
 13 Federal, State, and local governments, including
 14 such organization’s control over the definition, devel-
 15 opment, practice, and expression of its religious be-
 16 liefs.

17 “(2) ADDITIONAL SAFEGUARDS.—Neither the
 18 Federal Government nor a State or local government
 19 shall require a religious organization—

20 “(A) to alter its form of internal govern-
 21 ance; or

22 “(B) to remove religious art, icons, scrip-
 23 ture, or other symbols;

24 in order to be eligible to provide assistance under a
 25 program described in subsection (b).

1 “(e) EMPLOYMENT PRACTICES.—

2 “(1) TENETS AND TEACHINGS.—A religious or-
3 ganization that provides assistance under a program
4 described in subsection (b) may require that the em-
5 ployees of the organization who are providing assist-
6 ance under such program adhere to the religious te-
7 nets and teachings of such organization, and such
8 organization may require that those employees ad-
9 here to rules forbidding the use of drugs or alcohol.

10 “(2) TITLE VII EXEMPTION.—The exemption of
11 a religious organization provided under section 702
12 or 703(e)(2) of the Civil Rights Act of 1964 (42
13 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employ-
14 ment practices shall not be affected by the religious
15 organization’s provision of assistance under, or re-
16 ceipt of funds from, a program described in sub-
17 section (b).

18 “(f) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

19 “(1) IN GENERAL.—If an individual described
20 in paragraph (3) has an objection to the religious
21 character of the organization from which the individ-
22 ual receives, or would receive, assistance funded
23 under any program described in subsection (b), the
24 appropriate State or local governmental entity shall
25 provide to such individual (if otherwise eligible for

1 such assistance) within a reasonable period of time
 2 after the date of such objection, assistance that—

3 “(A) is from an alternative organization
 4 that is accessible to the individual; and

5 “(B) has a value that is not less than the
 6 value of the assistance that the individual would
 7 have received from such organization.

8 “(2) NOTICE.—The appropriate State or local
 9 governmental entity shall ensure that notice is pro-
 10 vided to individuals described in paragraph (3) of
 11 the rights of such individuals under this section.

12 “(3) INDIVIDUAL DESCRIBED.—An individual
 13 described in this paragraph is an individual who re-
 14 ceives or applies for assistance under a program de-
 15 scribed in subsection (b).

16 “(g) NONDISCRIMINATION AGAINST BENE-
 17 FICIARIES.—A religious organization shall not discrimi-
 18 nate against an individual described in subsection (f)(3)
 19 in regard to rendering assistance funded under any pro-
 20 gram described in subsection (b) on the basis of religion,
 21 a religious belief, a refusal to hold a religious belief, or
 22 a refusal to actively participate in a religious practice.

23 “(h) FISCAL ACCOUNTABILITY.—

24 “(1) IN GENERAL.—Except as provided in para-
 25 graph (2), any religious organization providing as-

1 sistance under any program described in subsection
2 (b) shall be subject to the same regulations as other
3 nongovernmental organizations to account in accord
4 with generally accepted accounting principles for the
5 use of such funds provided under such program.

6 “(2) LIMITED AUDIT.—Such organization shall
7 segregate government funds provided under such
8 program into a separate account. Only the govern-
9 ment funds shall be subject to audit by the govern-
10 ment.

11 “(i) COMPLIANCE.—A party alleging that the rights
12 of the party under this section have been violated by a
13 State or local government may bring a civil action pursu-
14 ant to section 1979 (42 U.S.C. 1983) against the official
15 or government agency that has allegedly committed such
16 violation. A party alleging that the rights of the party
17 under this section have been violated by the Federal Gov-
18 ernment may bring a civil action for appropriate relief in
19 an appropriate Federal district court against the official
20 or government agency that has allegedly committed such
21 violation.

22 “(j) LIMITATIONS ON USE OF FUNDS FOR CERTAIN
23 PURPOSES.—No funds provided through a grant or con-
24 tract to a religious organization to provide assistance
25 under any program described in subsection (b) shall be

1 expended for sectarian worship, instruction, or proselytiza-
 2 tion.

3 “(k) EFFECT ON STATE AND LOCAL FUNDS.—If a
 4 State or local government contributes State or local funds
 5 to carry out a program described in subsection (b), the
 6 government may segregate the State or local funds from
 7 the Federal funds provided to carry out the program or
 8 commingle the State or local funds with the Federal funds.
 9 If the State or local government commingles the State or
 10 local funds, the provisions of this section shall apply to
 11 the commingled funds in the same manner, and to the
 12 same extent, as the provisions apply to the Federal funds.

13 “(l) TREATMENT OF INTERMEDIATE CONTRAC-
 14 TORS.—If a nongovernmental organization (referred to in
 15 this subsection as an ‘intermediate organization’), acting
 16 under a contract or other agreement with a State or local
 17 government, is given the authority under the contract or
 18 agreement to select nongovernmental organizations to pro-
 19 vide assistance under the programs described in sub-
 20 section (b), the intermediate organization shall have the
 21 same nondiscrimination duty under this section as the
 22 government but shall retain all other rights of a non-
 23 governmental organization under this section.

1 **“SEC. 1806. TIMING.**

2 “(a) TIMING OF PAYMENTS.—The Director shall dis-
3 tribute amounts in accordance with this part to each
4 State, not later than 90 days after the date on which the
5 amount is made available to the Director.

6 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

7 “(1) REPAYMENT REQUIRED.—Not later than
8 27 months after the receipt of amounts from the Di-
9 rector under this section, from amounts appro-
10 priated under this part, a State shall refund to the
11 Director any amounts that are not expended by the
12 State before the expiration of the 2-year period be-
13 ginning on the date on which those amounts are re-
14 ceived from the Director under this section.

15 “(2) PENALTY FOR FAILURE TO REPAY.—If the
16 amount required to be repaid under paragraph (1)
17 is not repaid by a State in accordance with that
18 paragraph, the Director shall reduce the amount of
19 any payment to the State under this part in any fu-
20 ture payment period accordingly.

21 “(3) DEPOSIT OF AMOUNTS REPAID.—Any
22 amounts received by the Director under paragraph
23 (2) shall be deposited in a designated fund for fu-
24 ture payments to States.

25 “(c) ADMINISTRATIVE COSTS.—A State or unit of
26 local government that receives amounts under this part

1 may use not more than 3 percent of those amounts for
2 administrative costs.

3 “(d) NONSUPPLANTING REQUIREMENT.—Amounts
4 made available under this part to States or units of local
5 government—

6 “(1) shall not be used to supplant State or local
7 funds, as applicable; and

8 “(2) shall be used to increase the amount that
9 would, in the absence of amounts made available
10 under this part, be made available from State or
11 local sources, as applicable.

12 “(e) MATCHING FUNDS.—The Federal share of a
13 grant received under this part may not exceed 90 percent
14 of the total cost of a program or activity funded under
15 this part.

16 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

17 “(a) IN GENERAL.—Each State that receives a grant
18 under this part shall—

19 “(1) establish a trust fund into which all pay-
20 ments received under this part shall be deposited;
21 and

22 “(2) use amounts deposited in that trust fund
23 (including interest) during a period not to exceed 2
24 years from the date on which the initial grant pay-
25 ment is made to the State under this part;

1 “(3) designate an official of the State to submit
 2 to the Director such reports as the Director may
 3 reasonably require, in addition to the annual reports
 4 required under this part; and

5 “(4) expend the grant amount only for activities
 6 described in section 1802(b).

7 “(b) TITLE I PROVISIONS.—The administrative pro-
 8 visions of part H apply to this part and, for purposes of
 9 this section, any reference in those provisions to title I
 10 shall be deemed to include a reference to this part.

11 **“SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 13 is authorized to be appropriated to carry out this part
 14 \$250,000,000 for each of fiscal years 2000, 2001, and
 15 2002.

16 “(b) ALLOCATION.—Of the amount made available
 17 under subsection (a) for any fiscal year—

18 “(1) 50 percent shall be allocated among States
 19 that meet the requirements of section 1803(a); and

20 “(2) 50 percent shall be allocated among States
 21 that meet the requirements of both subsections (a)
 22 and (b) of section 1803.

23 “(c) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
 24 TRATION.—For each of fiscal years 1998 through 2000,
 25 not more than 1 percent of the amount appropriated

1 under subsection (a), shall be available (to remain avail-
 2 able until expended) to the Director for—

3 “(1) studying the overall effectiveness and effi-
 4 ciency of this part, including the establishment and
 5 execution of an oversight plan for monitoring the ac-
 6 tivities of grant recipients;

7 “(2) assuring compliance with the provisions of
 8 this part; and

9 “(3) administrative costs to carry out the pur-
 10 poses of this part.

11 “(d) FUNDING SOURCE.—Notwithstanding any other
 12 provision of law, amounts authorized to be appropriated
 13 to carry out this part may be appropriated from the Vio-
 14 lent Crime Reduction Trust Fund established under sec-
 15 tion 310001 of the Violent Crime Control and Law En-
 16 forcement Act of 1994 (42 U.S.C. 14211).”.

17 (b) CONFORMING AMENDMENT.—The table of con-
 18 tents for title I of the Omnibus Crime Control and Safe
 19 Streets Act of 1968 is amended by striking the item relat-
 20 ing to part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“Sec. 1801. Definitions.

“Sec. 1802. Grant authorization.

“Sec. 1803. Eligibility.

“Sec. 1804. Allocation and distribution of amounts.

“Sec. 1805. State option.

“Sec. 1806. Timing.

“Sec. 1807. Administrative provisions.

“Sec. 1808. Authorization of appropriations.”.

1 **TITLE III—REFORM OF GRANT**
2 **PROGRAMS**

3 **SEC. 301. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Section 101 of the Juvenile Justice
5 and Delinquency Prevention Act of 1974 (42 U.S.C. 5601)
6 is amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) FINDINGS.—Congress finds that—

10 “(1) the Nation’s juvenile justice system is in
11 trouble as evidenced by a number of factors, includ-
12 ing dangerously overcrowded facilities, overworked
13 field staff, and a growing number of children who
14 are breaking the law;

15 “(2) a redesigned juvenile corrections program
16 for the next century should be based on 4
17 principles—

18 “(A) protecting the community;

19 “(B) accountability for offenders;

20 “(C) restitution for victims and the com-
21 munity; and

22 “(D) community-based prevention;

23 “(3) existing programs have not adequately re-
24 sponded to the particular problems of juvenile
25 delinquents in the 1990’s;

1 “(4) State and local communities, which experi-
2 ence directly the devastating failure of the juvenile
3 justice system, do not have sufficient resources to
4 deal comprehensively with the problems of juvenile
5 crime and delinquency;

6 “(5) limited State and local resources are being
7 unnecessarily wasted complying with overly technical
8 Federal requirements for ‘sight and sound’ separa-
9 tion initially imposed by this Act, while prohibiting
10 the commingling of adults and juvenile populations
11 would achieve the same purpose without imposing an
12 undue burden on State and local governments;

13 “(6) limited State and local resources are being
14 unnecessarily wasted complying with the overly re-
15 strictive Federal mandate that no juveniles be de-
16 tained or confined in any jail or lockup for adults,
17 which imposes a particularly onerous burden on
18 rural communities;

19 “(7) the juvenile justice system should give ad-
20 ditional attention to the problem of juveniles who
21 commit serious crimes, with particular attention
22 given to the area of sentencing;

23 “(8) local school districts lack information nec-
24 essary to track serious violent juvenile offenders, in-

1 formation that is essential to promoting safety in
2 public schools;

3 “(9) the term ‘prevention’ should mean both en-
4 suring that families have a greater chance to raise
5 their children so that those children do not engage
6 in criminal or delinquent activities, and preventing
7 children who have engaged in such activities from
8 becoming permanently entrenched in the juvenile
9 justice system;

10 “(10) in 1994, there were more than 330,000
11 juvenile arrests for violent crimes, and between 1985
12 and 1994, the number of juvenile criminal homicide
13 cases increased by 144 percent, and the number of
14 juvenile weapons cases increased by 156 percent;

15 “(11) in 1994, males age 14 through 24 con-
16 stituted only 8 percent of the population, but ac-
17 counted for more than 25 percent of all homicide
18 victims and nearly half of all convicted murderers;

19 “(12) in a survey of 250 judges, 93 percent of
20 those judges stated that juvenile offenders should be
21 fingerprinted and 85 percent stated that juvenile
22 criminal records should be made available to adult
23 authorities;

24 “(13) studies indicate that good parenting
25 skills, including normative development, monitoring,

1 and discipline, clearly affect whether children will
 2 become delinquent, and adequate supervision of free-
 3 time activities, whereabouts, and peer interaction is
 4 critical to ensure that children do not drift into de-
 5 linquency;

6 “(14) in the 1970’s, less than half of our Na-
 7 tion’s cities reported gang activity, while 2 decades
 8 later, a nationwide survey reported a total of 23,388
 9 gangs and 664,906 gang members on the streets of
 10 United States cities in 1995;

11 “(15) the high incidence of delinquency in the
 12 United States results in an enormous annual cost
 13 and substantial loss of human life, a reduction in
 14 personal security, and wasted human resources; and

15 “(16) juvenile delinquency constitutes a grow-
 16 ing threat to the national welfare, requiring imme-
 17 diate and comprehensive action by the Federal Gov-
 18 ernment to reduce and eliminate the threat.”; and

19 (2) in subsection (b)—

20 (A) by striking “further”; and

21 (B) by striking “Federal Government” and
 22 inserting “Federal, State, and local govern-
 23 ments”.

1 (b) PURPOSES.—Section 102 of the Juvenile Justice
2 and Delinquency Prevention Act of 1974 (42 U.S.C. 5602)
3 is amended to read as follows:

4 **“SEC. 102. PURPOSES.**

5 “The purposes of this title and title II are—

6 “(1) to assist State and local governments in
7 promoting public safety by supporting juvenile delin-
8 quency prevention and control activities;

9 “(2) to give greater flexibility to schools to de-
10 sign academic programs and educational services for
11 juvenile delinquents expelled or suspended for dis-
12 ciplinary reasons;

13 “(3) to assist State and local governments in
14 promoting public safety by encouraging accountabil-
15 ity through the imposition of meaningful sanctions
16 for acts of juvenile delinquency;

17 “(4) to assist State and local governments in
18 promoting public safety by improving the extent, ac-
19 curacy, availability, and usefulness of juvenile court
20 and law enforcement records and the openness of
21 the juvenile justice system to the public;

22 “(5) to assist teachers and school officials in
23 ensuring school safety by improving their access to
24 information concerning juvenile offenders attending

1 or intending to enroll in their schools or school-relat-
2 ed activities;

3 “(6) to assist State and local governments in
4 promoting public safety by encouraging the identi-
5 fication of violent and hardcore juveniles and in
6 transferring such juveniles out of the jurisdiction of
7 the juvenile justice system and into the jurisdiction
8 of adult criminal court;

9 “(7) to provide for the evaluation of federally
10 assisted juvenile crime control programs, and train-
11 ing necessary for the establishment and operation of
12 such programs;

13 “(8) to ensure the dissemination of information
14 regarding juvenile crime control programs by provid-
15 ing a national clearinghouse; and

16 “(9) to provide technical assistance to public
17 and private nonprofit juvenile justice and delin-
18 quency prevention programs.”.

19 **SEC. 302. DEFINITIONS.**

20 Section 103 of the Juvenile Justice and Delinquency
21 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

22 (1) in paragraph (3), by inserting “punish-
23 ment,” after “control,”;

24 (2) in paragraph (22)(iii), by striking “and” at
25 the end;

1 (3) in paragraph (23), by striking the period at
2 the end and inserting a semicolon; and

3 (4) by adding at the end the following:

4 “(24) the term ‘serious violent crime’ means—

5 “(A) murder or nonnegligent man-
6 slaughter, or robbery;

7 “(B) aggravated assault committed with
8 the use of a dangerous or deadly weapon, forc-
9 ible rape, kidnaping, felony aggravated battery,
10 assault with intent to commit a serious violent
11 crime, and vehicular homicide committed while
12 under the influence of an intoxicating liquor or
13 controlled substance; or

14 “(C) a serious drug offense;

15 “(25) the term ‘serious drug offense’ means an
16 act or acts that, if committed by an adult subject to
17 Federal criminal jurisdiction, would be punishable
18 under section 401(b)(1)(A) or 408 of the Controlled
19 Substances Act (21 U.S.C. 841(b)(1)(A), 848) or
20 section 1010(b)(1)(A) of the Controlled Substances
21 Import and Export Act (21 U.S.C. 960(b)(1)(A));
22 and

23 “(26) the term ‘serious habitual offender’
24 means a juvenile who—

1 “(A) has been adjudicated delinquent and
2 subsequently arrested for a capital offense, life
3 offense, first degree aggravated sexual offense,
4 or serious drug offense;

5 “(B) has had not fewer than 5 arrests,
6 with 3 arrests chargeable as felonies if commit-
7 ted by an adult and not fewer than 3 arrests
8 occurring within the most recent 12-month pe-
9 riod;

10 “(C) has had not fewer than 10 arrests,
11 with 2 arrests chargeable as felonies if commit-
12 ted by an adult and not fewer than 3 arrests
13 occurring within the most recent 12-month pe-
14 riod; or

15 “(D) has had not fewer than 10 arrests,
16 with 8 or more arrests for misdemeanor crimes
17 involving theft, assault, battery, narcotics pos-
18 session or distribution, or possession of weap-
19 ons, and not fewer than 3 arrests occurring
20 within the most recent 12-month period.”.

21 **SEC. 303. OFFICE OF JUVENILE JUSTICE AND DELIN-**
22 **QUENCY PREVENTION.**

23 Section 204 of the Juvenile Justice and Delinquency
24 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

25 (1) in subsection (a)(1)—

1 (A) by striking “shall develop” and insert-
 2 ing the following: “shall—

3 “(A) develop”;

4 (B) by inserting “punishment,” before “di-
 5 version”; and

6 (C) in the first sentence, by striking
 7 “States” and all that follows before the period
 8 at the end of the paragraph and inserting the
 9 following: “States; and

10 “(B) annually submit the plan required
 11 under subparagraph (A) to Congress”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by adding “and” at
 14 the end; and

15 (B) by striking paragraphs (2) through (7)
 16 and inserting the following:

17 “(2) reduce duplication among Federal juvenile
 18 delinquency programs and activities conducted by
 19 Federal departments and agencies.”;

20 (3) by redesignating subsection (h) as sub-
 21 section (f); and

22 (4) by striking subsection (i).

1 **SEC. 304. ANNUAL REPORT.**

2 Section 207 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5617) is amended to
4 read as follows:

5 **“SEC. 207. ANNUAL REPORT.**

6 “Not later than 180 days after the end of each fiscal
7 year, the Administrator shall submit to the President, the
8 Speaker of the House of Representatives, the President
9 pro tempore of the Senate, and the Governor of each
10 State, a report that contains each of the following with
11 respect to that fiscal year:

12 “(1) SUMMARY AND ANALYSIS.—

13 “(A) IN GENERAL.—A detailed summary
14 and analysis of the most recent data available
15 regarding the number of juveniles taken into
16 custody, the rate at which juveniles are taken
17 into custody, the number of repeat juvenile of-
18 fenders, the number of juveniles using weapons,
19 the number of juvenile and adult victims of ju-
20 venile crime and the trends demonstrated by
21 the data required by clauses (i), (ii), and (iii)
22 of subparagraph (C).

23 “(B) SEPARATION OF INFORMATION.—The
24 summary and analysis described in subpara-
25 graph (A) shall set out the information required
26 by clauses (i), (ii), (iii), and (iv) of subpara-

1 graph (C) separately for juvenile nonoffenders,
2 juvenile status offenders, and other juvenile of-
3 fenders.

4 “(C) DATA.—The summary and analysis
5 under subparagraph (A) shall separately ad-
6 dress with respect to each category of juveniles
7 specified in subparagraph (B)—

8 “(i) the types of offenses with which
9 the juveniles are charged, data on serious
10 violent crimes committed by juveniles, and
11 data on serious habitual offenders;

12 “(ii) the race and gender of the juve-
13 niles and their victims;

14 “(iii) the ages of the juveniles and
15 their victims;

16 “(iv) the types of facilities used to
17 hold the juveniles (including juveniles
18 treated as adults for purposes of prosecu-
19 tion) in custody, including secure detention
20 facilities, secure correctional facilities, jails,
21 and lockups;

22 “(v) the number of juveniles who died
23 while in custody and the circumstances
24 under which they died;

1 “(vi) the educational status of juve-
 2 niles, including information relating to
 3 learning disabilities, failing performance,
 4 grade retention, and dropping out of
 5 school;

6 “(vii) the number of juveniles who are
 7 substance abusers; and

8 “(viii) information on juveniles father-
 9 ing or giving birth to children out of wed-
 10 lock, and whether such juveniles have as-
 11 sumed financial responsibility for their
 12 children.

13 “(2) ACTIVITIES FUNDED.—A description of
 14 the activities for which funds are expended under
 15 this part.

16 “(3) STATE COMPLIANCE.—A description based
 17 on the most recent data available of the extent to
 18 which each State complies with section 223 and with
 19 the plan submitted under that section by the State
 20 for that fiscal year.

21 “(4) SUMMARY AND EXPLANATION.—A sum-
 22 mary of each program or activity for which assist-
 23 ance is provided under part D, an evaluation of the
 24 results of such program or activity, and a determina-

1 tion of the feasibility and advisability of replacing
2 such program or activity in other locations.

3 “(5) EXEMPLARY PROGRAMS AND PRAC-
4 TICES.—A description of selected exemplary delin-
5 quency prevention programs and accountability-
6 based youth violence reduction practices.”.

7 **SEC. 305. BLOCK GRANTS FOR STATE AND LOCAL PRO-**
8 **GRAMS.**

9 (a) SECTION 221.—Section 221 of the Juvenile Jus-
10 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
11 5631) is amended—

12 (1) in subsection (a)—

13 (A) by inserting “(1)” before “The Admin-
14 istrator”;

15 (B) by inserting “, including charitable
16 and religious organizations,” after “and private
17 agencies”;

18 (C) by inserting before the period at the
19 end the following: “, including—

20 “(A) initiatives for holding juveniles account-
21 able for any act for which they are adjudicated de-
22 linquent;

23 “(B) increasing public awareness of juvenile
24 proceedings;

1 “(C) improving the content, accuracy, availabil-
 2 ity, and usefulness of juvenile court and law enforce-
 3 ment records (including fingerprints and photo-
 4 graphs); and

5 “(D) education programs such as funding for
 6 extended hours for libraries and recreational pro-
 7 grams that benefit all juveniles”; and

8 (D) by adding at the end the following:

9 “(2) ASSISTANCE TO RELIGIOUS ORGANIZA-
 10 TIONS.—

11 “(A) PURPOSE.—The purpose of this para-
 12 graph is to ensure that State and local govern-
 13 ments, exercising their authority under sub-
 14 paragraph (B), consider all nongovernmental
 15 organizations on an equal basis when choosing
 16 such organizations to provide assistance to
 17 beneficiaries under government programs de-
 18 scribed in subparagraph (B), without impairing
 19 the religious character of any of the organiza-
 20 tions, and without diminishing the religious
 21 freedom of beneficiaries of assistance funded
 22 under such programs.

23 “(B) GENERAL AUTHORITY.—Each State
 24 or local government that receives a grant under
 25 paragraph (1) for a program authorized under

1 this title may enter into contracts with religious
 2 organizations, or make grants to religious orga-
 3 nizations, to provide assistance under such pro-
 4 gram authorized under this title.

5 “(C) RELIGIOUS ORGANIZATIONS IN-
 6 CLUDED AS NONGOVERNMENTAL PROVIDERS.—

7 In the event a State or local government exer-
 8 cises its authority under subparagraph (B) for
 9 a program described in subparagraph (B), reli-
 10 gious organizations shall be eligible, on the
 11 same basis as other nongovernmental organiza-
 12 tions, to enter into contracts or receive grants
 13 to provide assistance under the program de-
 14 scribed in subparagraph (B), so long as the
 15 program is implemented in a manner consistent
 16 with the Establishment Clause of the first
 17 amendment to the Constitution. Neither the
 18 Federal Government nor a State or local gov-
 19 ernment receiving funds under such program
 20 shall discriminate against an organization that
 21 provides assistance under, or applies to provide
 22 assistance under, such program, on the basis
 23 that the organization has a religious character.

24 “(D) RELIGIOUS CHARACTER AND INDE-
 25 PENDENCE.—

1 “(i) IN GENERAL.—A religious organi-
 2 zation that provides assistance under a
 3 program described in subparagraph (B)
 4 shall retain its independence from Federal,
 5 State, and local governments, including
 6 such organization’s control over the defini-
 7 tion, development, practice, and expression
 8 of its religious beliefs.

9 “(ii) ADDITIONAL SAFEGUARDS.—Nei-
 10 ther the Federal Government nor a State
 11 or local government shall require a reli-
 12 gious organization—

13 “(I) to alter its form of internal
 14 governance; or

15 “(II) to remove religious art,
 16 icons, scripture, or other symbols;
 17 in order to be eligible to provide assistance
 18 under a program described in subpara-
 19 graph (B).

20 “(E) EMPLOYMENT PRACTICES.—

21 “(i) TENETS AND TEACHINGS.—A re-
 22 ligious organization that provides assist-
 23 ance under a program described in sub-
 24 paragraph (B) may require that the em-
 25 ployees of the organization who are provid-

1 ing assistance under such program adhere
 2 to the religious tenets and teachings of
 3 such organization, and such organization
 4 may require that those employees adhere
 5 to rules forbidding the use of drugs or al-
 6 cohol.

7 “(ii) TITLE VII EXEMPTION.—The ex-
 8 emption of a religious organization pro-
 9 vided under section 702 or 703(e)(2) of
 10 the Civil Rights Act of 1964 (42 U.S.C.
 11 2000e–1, 2000e–2(e)(2)) regarding em-
 12 ployment practices shall not be affected by
 13 the religious organization’s provision of as-
 14 sistance under, or receipt of funds from, a
 15 program described in subparagraph (B).

16 “(F) RIGHTS OF BENEFICIARIES OF AS-
 17 SISTANCE.—

18 “(i) IN GENERAL.—If an individual
 19 described in clause (iii) has an objection to
 20 the religious character of the organization
 21 from which the individual receives, or
 22 would receive, assistance funded under any
 23 program described in subparagraph (B),
 24 the appropriate State or local govern-
 25 mental entity shall provide to such individ-

1 ual (if otherwise eligible for such assist-
 2 ance) within a reasonable period of time
 3 after the date of such objection, assistance
 4 that—

5 “(I) is from an alternative orga-
 6 nization that is accessible to the indi-
 7 vidual; and

8 “(II) has a value that is not less
 9 than the value of the assistance that
 10 the individual would have received
 11 from such organization.

12 “(ii) NOTICE.—The appropriate State
 13 or local governmental entity shall ensure
 14 that notice is provided to individuals de-
 15 scribed in clause (iii) of the rights of such
 16 individuals under this section.

17 “(iii) INDIVIDUAL DESCRIBED.—An
 18 individual described in this clause is an in-
 19 dividual who receives or applies for assist-
 20 ance under a program described in sub-
 21 paragraph (B).

22 “(G) NONDISCRIMINATION AGAINST BENE-
 23 FICIARIES.—A religious organization shall not
 24 discriminate against an individual described in
 25 subparagraph (F)(iii) in regard to rendering as-

1 sistance funded under any program described in
2 subparagraph (B) on the basis of religion, a re-
3 ligious belief, a refusal to hold a religious belief,
4 or a refusal to actively participate in a religious
5 practice.

6 “(H) FISCAL ACCOUNTABILITY.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), any religious organiza-
9 tion providing assistance under any pro-
10 gram described in subparagraph (B) shall
11 be subject to the same regulations as other
12 nongovernmental organizations to account
13 in accord with generally accepted account-
14 ing principles for the use of such funds
15 provided under such program.

16 “(ii) LIMITED AUDIT.—Such organi-
17 zation shall segregate government funds
18 provided under such program into a sepa-
19 rate account. Only the government funds
20 shall be subject to audit by the govern-
21 ment.

22 “(I) COMPLIANCE.—A party alleging that
23 the rights of the party under this paragraph
24 have been violated by a State or local govern-
25 ment may bring a civil action pursuant to sec-

tion 1979 (42 U.S.C. 1983) against the official or government agency that has allegedly committed such violation. A party alleging that the rights of the party under this paragraph have been violated by the Federal Government may bring a civil action for appropriate relief in an appropriate Federal district court against the official or government agency that has allegedly committed such violation.

“(J) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide assistance under any program described in subparagraph (B) shall be expended for sectarian worship, instruction, or proselytization.

“(K) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out a program described in subparagraph (B), the government may segregate the State or local funds from the Federal funds provided to carry out the program or commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local

1 funds, the provisions of this paragraph shall
 2 apply to the commingled funds in the same
 3 manner, and to the same extent, as the provi-
 4 sions apply to the Federal funds.

5 “(L) TREATMENT OF INTERMEDIATE CON-
 6 TRACTORS.—If a nongovernmental organization
 7 (referred to in this subparagraph as an ‘inter-
 8 mediate organization’), acting under a contract
 9 or other agreement with a State or local gov-
 10 ernment, is given the authority under the con-
 11 tract or agreement to select nongovernmental
 12 organizations to provide assistance under the
 13 programs described in subparagraph (B), the
 14 intermediate organization shall have the same
 15 nondiscrimination duty under this paragraph as
 16 the government but shall retain all other rights
 17 of a nongovernmental organization under this
 18 paragraph.”; and

19 (2) in subsection (b), by striking paragraph (1)
 20 and inserting the following:

21 “(1) Of amounts made available to carry out this part
 22 in any fiscal year, \$10,000,000 or 1 percent (whichever
 23 is greater) may be used by the Administrator—

1 “(A) to establish and maintain a clearinghouse
2 to disseminate to the States information on juvenile
3 delinquency prevention, treatment, and control; and

4 “(B) to provide training and technical assist-
5 ance to States to improve the administration of the
6 juvenile justice system.”.

7 (b) SECTION 223.—Section 223(a)(10) of the Juve-
8 nile Justice and Delinquency Prevention Act of 1974 (42
9 U.S.C. 5633(a)(10)) is amended—

10 (1) by striking “or through” and inserting
11 “through”; and

12 (2) by inserting “or through grants and con-
13 tracts with religious organizations in accordance
14 with section 221(b)(2)(B)” after “agencies,”.

15 **SEC. 306. STATE PLANS.**

16 Section 223 of the Juvenile Justice and Delinquency
17 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

18 (1) in subsection (a)—

19 (A) by striking the second sentence;

20 (B) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) provide for an advisory group, which—

23 “(A) shall—

24 “(i)(I) consist of such number of
25 members deemed necessary to carry out

1 the responsibilities of the group and ap-
2 pointed by the chief executive officer of the
3 State; and

4 “(II) consist of a majority of members
5 (including the chairperson) who are not
6 full-time employees of the Federal Govern-
7 ment, or a State or local government;

8 “(ii) include members who have train-
9 ing, experience, or special knowledge
10 concerning—

11 “(I) the prevention and treat-
12 ment of juvenile delinquency;

13 “(II) the administration of juve-
14 nile justice, including law enforce-
15 ment; and

16 “(III) the representation of the
17 interests of the victims of violent juve-
18 nile crime and their families; and

19 “(iii) include as members at least 1
20 locally elected official representing general
21 purpose local government;

22 “(B) shall participate in the development
23 and review of the State’s juvenile justice plan
24 prior to submission to the supervisory board for
25 final action;

1 “(C) shall be afforded an opportunity to
2 review and comment, not later than 30 days
3 after the submission to the advisory group, on
4 all juvenile justice and delinquency prevention
5 grants submitted to the State agency des-
6 ignated under paragraph (1);

7 “(D) shall, consistent with this title—

8 “(i) advise the State agency des-
9 ignated under paragraph (1) and its super-
10 visory board; and

11 “(ii) submit to the chief executive offi-
12 cer and the legislature of the State not less
13 frequently than annually recommendations
14 regarding State compliance with this sub-
15 section; and

16 “(E) may, consistent with this title—

17 “(i) advise on State supervisory board
18 and local criminal justice advisory board
19 composition;

20 “(ii) review progress and accomplish-
21 ments of projects funded under the State
22 plan; and

23 “(iii) contact and seek regular input
24 from juveniles currently under the jurisdic-
25 tion of the juvenile justice system;”;

1 (C) in paragraph (10)—

2 (i) in subparagraph (N), by striking
3 “and” at the end;

4 (ii) in subparagraph (O), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iii) by adding at the end the follow-
8 ing:

9 “(P) programs implementing the practices
10 described in sections 1802(b), 1803(a), and
11 1803(b) of part R of title I of the Omnibus
12 Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3796ee–1(b), 3796ee–2(a), 3796ee–
14 2(b));”;

15 (D) by striking paragraph (13) and insert-
16 ing the following:

17 “(13) provide assurances that, in each secure
18 facility located in the State (including any jail or
19 lockup for adults), there is no commingling in the
20 same cell or community room of, or any other regu-
21 lar, sustained, physical contact between—

22 “(A) any juvenile detained or confined for
23 any period of time in that facility; and

24 “(B) any adult offender detained or con-
25 fined for any period of time in that facility.”;

1 (E) by striking paragraphs (8), (9), (12),
 2 (14), (15), (17), (18), (19), (24), and (25);

3 (F) by redesignating paragraphs (10),
 4 (11), (13), (16), (20), (21), (22), and (23) as
 5 paragraphs (8) through (15), respectively;

6 (G) in paragraph (14), as redesignated, by
 7 adding “and” at the end; and

8 (H) in paragraph (15), as redesignated, by
 9 striking the semicolon at the end and inserting
 10 a period; and

11 (2) by striking subsections (c) and (d).

12 **SEC. 307. REPEALS.**

13 (a) IN GENERAL.—The Juvenile Justice and Delin-
 14 quency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)
 15 is amended—

16 (1) in title II—

17 (A) by striking parts C, E, F, G, and H,
 18 and redesignating part D as part C;

19 (B) by striking part I, as added by section
 20 2(i)(1)(C) of Public Law 102–586; and

21 (C) by striking the heading of part I, as
 22 redesignated by section 2(i)(1)(A) of Public
 23 Law 102–586, and inserting the following:

1 “PART D—GENERAL AND ADMINISTRATIVE
2 PROVISIONS”; and

3 (2) by striking title V, as added by section 5(a)
4 of Public Law 102–586.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) SECTION 222.—Section 222(a)(2) of the Ju-
7 venile Justice and Delinquency Prevention Act of
8 1974 (42 U.S.C. 5632(a)(2))—

9 (A) in subparagraph (A), by striking
10 “parts D and E” and inserting “part C”; and

11 (B) in subparagraph (B)—

12 (i) by striking “part D” and inserting
13 “part C”; and

14 (ii) by striking “parts D and E” and
15 inserting “part C”.

16 (2) SECTIONS 281A AND 282.—Sections
17 281A(a)(6) and 282(b)(6) of the Juvenile Justice
18 and Delinquency Prevention Act of 1974 (42 U.S.C.
19 5667–1(a)(6); 5667a(b)(6)) are each amended by
20 striking “parts B or C” each place that term ap-
21 pears and inserting “part B”.

22 **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 299 of the Juvenile Justice and Delinquency
24 Prevention Act of 1974 (42 U.S.C. 5671) is amended by
25 to read as follows:

1 **“SEC. 299. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) OFFICE OF JUVENILE DELINQUENCY PREVEN-
3 TION.—There is authorized to be appropriated for each
4 of fiscal years 2000, 2001, and 2002 such sums as may
5 be necessary to carry out part A.

6 “(b) BLOCK GRANTS FOR STATE AND LOCAL PRO-
7 GRAMS.—There is authorized to be appropriated
8 \$100,000,000 for each of fiscal years 2000, 2001, and
9 2002 to carry out part B.

10 “(c) GANG-FREE SCHOOLS AND COMMUNITIES; COM-
11 MUNITY-BASED GANG INTERVENTION.—There is author-
12 ized to be appropriated \$100,000,000 for each of fiscal
13 years 2000, 2001, and 2002 to carry out part C.

14 “(d) SOURCE OF APPROPRIATIONS.—Notwithstand-
15 ing any other provision of law, amounts authorized to be
16 appropriated under this section may be appropriated from
17 the Violent Crime Reduction Trust Fund established
18 under section 310001 of the Violent Crime Control and
19 Law Enforcement Act of 1994 (42 U.S.C. 14211).”.

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